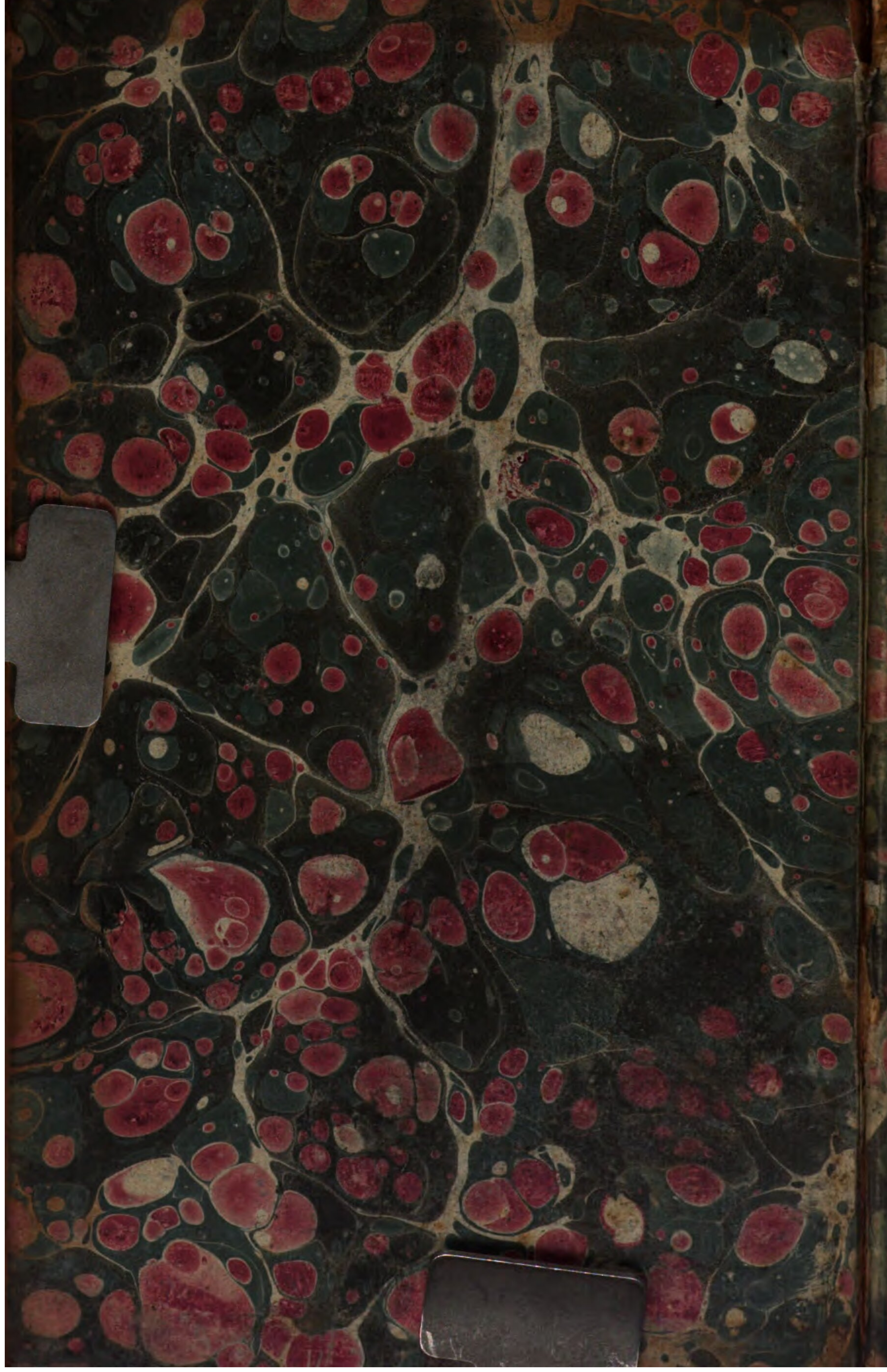
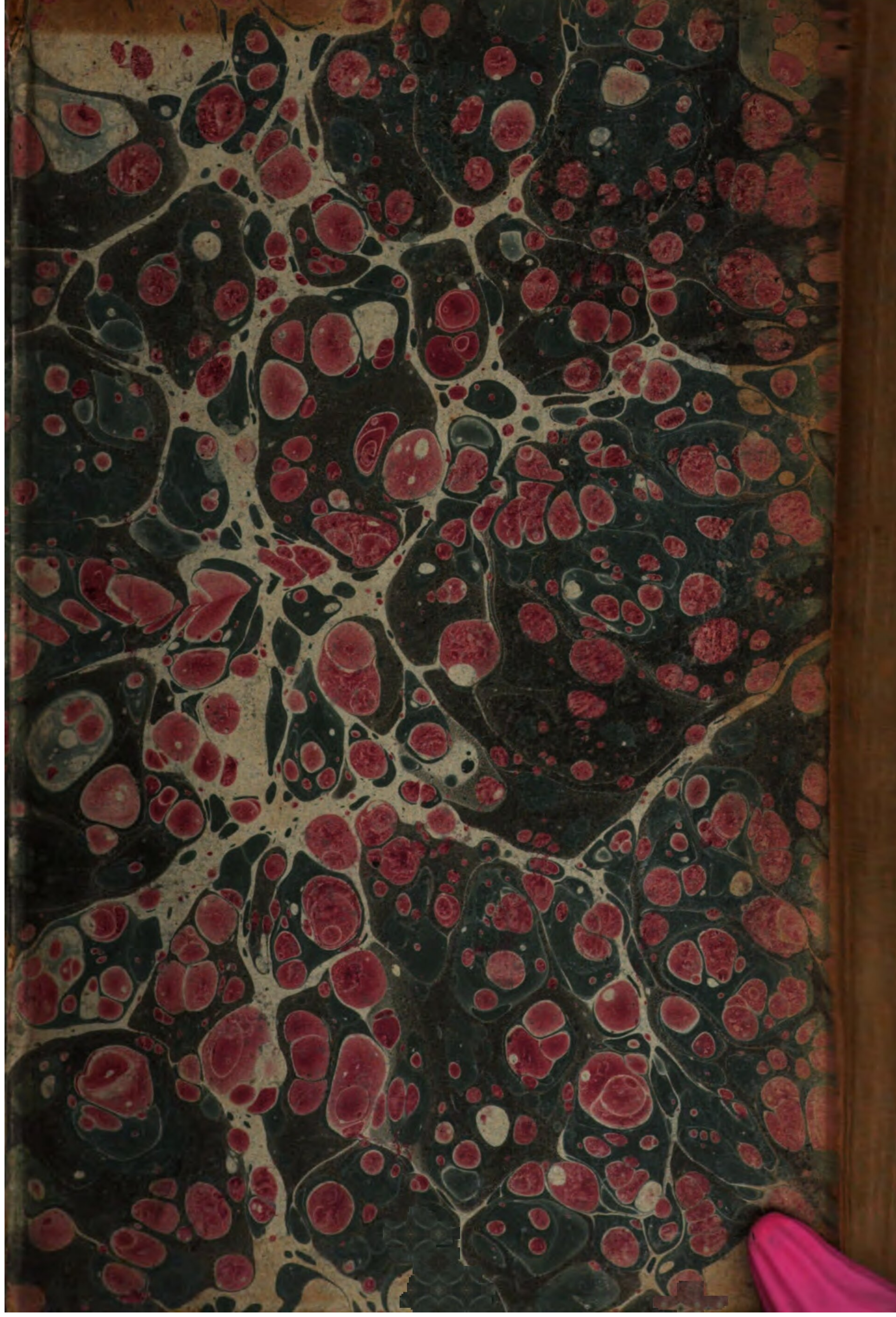






Robert Hains

19. Summer 1862

J. rel. 170-3

8 u

Gabbett

<36636314540012

<36636314540012

Bayer. Staatsbibliothek

SUPPLEMENT

REVISED ADDENDUM,

COMPARATIVE VIEW,

Statute Law

ENGLAND AND IRELAND;

CONTAINING THE STATUTES OF PARLIAMENTS

TO THE YEAR 1837.

WITH AN INDEX TO THE WHOLE WORK.

BY JOSEPH GARRATT, ESQ.

OF THE INNER TEMPLE, ESQ.

OF THE BAR.

London:

Printed by J. GARRATT, at the Office of the Law Society, No. 1, Abchurch Lane, in the City of London.

1837

BY THE

DIGESTED ABSTRACT

COMPARATIVE VIEW

OF THE

ENGLAND AND IRELAND

IN THE YEAR 1817

TO THE YEAR 1817

COMPARATIVE INDEX TO THE

BY JOSEPH GARRATT

OF THE

DUBLIN

A
SUPPLEMENT
TO THE
DIGESTED ABRIDGMENT,
AND
COMPARATIVE VIEW,
OF THE
Statute Law
OF
ENGLAND AND IRELAND;
CONTAINING THE STATUTES OF SIX SESSIONS,
TO THE YEAR 1817, INCLUSIVE;
WITH A
COPIOUS INDEX TO THE WHOLE WORK.

BY JOSEPH GABBETT, ESQ.

BARRISTER AT LAW.

Dublin:

PRINTED BY JAMES CUMMING & CO. AT THE HIBERNIA PRESS-OFFICE, NO. 1, TEMPLE-LANE,
For John Cumming, No. 16, Lower Ormond-Quay, and Richard Milliken,
No. 104 Grafton Street.

1818.

SUPPLEMENT
PREFACE
DIGESTED ABRIDGMENT
AND
COMPARATIVE VIEW

SIX years have elapsed since the first Digest of the Statutes of the Kingdom of Ireland was published.

Abridgement of the Statutes of the Kingdom of Ireland, as far as they relate to the civil law, and not of Ireland, and, indeed, by all classes of readers in this country, has been highly esteemed and approved.

ENGLAND AND IRELAND

borne to it, and its accuracy, by Mr. Evans, in his Digest of the Statutes of the Kingdom of Ireland, has been fully proved. I feel also a pride in stating, that this work has received

the highest praise from the most distinguished

administration of the law, and its excellence has been fully proved. I feel also a pride in stating, that this work has received the highest praise from the most distinguished

administration of the law, and its excellence has been fully proved. I feel also a pride in stating, that this work has received the highest praise from the most distinguished



PREFACE.

SIX years have elapsed since the “Digested Abridgment and Comparative View of the Statute Law of England and Ireland” was published. The approbation expressed of that work by the judges and bar of Ireland, and, indeed, by all classes of readers in this country, has continually cheered me since the time of its publication; and the testimony borne to “its skill and accuracy” by Mr. Evans, in his digest of the English statutes, lately published, has been to me a farther and gratifying proof that my labours were not in vain. I feel also a pride in stating, that this work has received the sanction of the Irish government, under the administration of its late esteemed viceroy, his excellency Earl Whitworth having been pleased to appoint me to an official situation, in consideration of my labours and services which were deemed by him to be deserving of public remuneration.

Being excluded, (perhaps unreasonably) by the nature of my office, from every species of professional practice, I have applied those hours which were not occupied by official duties, to the digesting of this additional volume which I now submit to the public. Several important statutes have been passed since the year 1811, to which period

*Tabular
sketch of sta-
tutes of ses-
sion 1818.*

period the original work was brought down ; and I therefore considered that to abridge and arrange these statutes, and to annex a copious index to the whole, would not only render the original work more useful, but be, in itself, a service not unacceptable to the members of the profession of the law, as well as to magistrates, members of parliament, and others. I have not been able to embrace the statutes of the last session (1818), as this supplement was in the press during that period ; but the following tabular sketch of such of them as fall within the scope of the digest, will, I trust, render this omission or want the less to be regretted.

- 58G.3. c.11. The 58 Geo. 3. c. 11. U. K. is the annual act for punishing mutiny and desertion, &c. : and
- c. 12. the 58 Geo. 3. c. 12. U. K. is the last annual act for regulating his majesty's marine forces while on shore.
- c. 14. —c. 14.G.B. has amended the 57 Geo. 3. c.113. by extending the period for the circulation of dollars and tokens, for certain purposes, until April 5, 1819.
- c. 29. —c. 29. U. K. provides, that the fees for pardons under the great seal shall be paid by the commissioners of the treasury; and that no stamp thereon shall be required.
- c. 30. —c. 30. E. & W. is an act for preventing frivolous and vexatious actions of assault and battery, and for slanderous words, in inferior courts, &c. by making the costs commensurate with the damages.
- c. 31. —c. 31. I. amends the 53 Geo. 3. c. 131. I. which respects the building and repairing of court houses and sessions houses in Ireland.
- c. 32. —c. 32. E. & W. amends so much of the 57 Geo. 3.

55 Geo. 3. c. 48. as relates to the salaries of clergymen officiating as chaplains in houses of correction.

—c. 37. E. continues the restrictions on payments of cash by the bank of England, until July 5, 1819. 58G. 3. c. 37.

—c. 39. I. explains and amends the 56 Geo. 3. c. 88. I. by extending the jurisdiction of assistant barristers under that act to cases where any tenement shall be held at a rent of £20. by the year ; and by declaring the affidavit of the landlord, or his agent, for ascertaining the amount of the rent due, admissible in all proceedings under said act ; and the process *ad testificandum* in proceedings for the recovery of the possession of lands, &c. under the 56 Geo. 3. c. 88. is hereby made as effectual and extensive as if the proceeding had been by ejectment. This act also provides for the case of assistant barristers, &c. being landlords within their own jurisdictions, and enacts, that in such cases the proceeding shall be by civil bill before the judge of assize, &c. And this act prescribes the forms for civil bills, decrees, &c. in cases of proceedings under the 56 Geo. 3. c. 88. and this act, and regulates the amount of the fees, and mode of taxation, in such cases. c. 39.

—c. 40. I. continues the laws relating to yeomanry corps in Ireland, until the end of the session after May 29, 1819. c. 40.

—c. 43. E. for preventing the destruction of the breed of salmon, and fish of salmon kind, in the rivers of England, enables the justices of peace at sessions to appoint conservators of rivers, and to fix the periods in which salmon shall not be taken, &c. ; and annexes certain penalties to the offences of destroying salmon. &c. or having the spawn c. 43.

spawn, &c. of such fish, during the seasons when fishing for them is prohibited.

58G.3. c.45. —c. 45. G. B. authorizes the commissioners of the treasury to issue exchequer bills (not exceeding one million) for promoting the building of additional churches in populous parishes in Great Britain.

c. 46. —c. 46. I. is an act for the relief of persons entitled to entailed estates, to be purchased with trust monies, in Ireland; which is corresponding to the 39 & 40 Geo. 3. c. 56. Eng. See Digest, vol. II. p. 346-7.

c. 47. —c. 47. I. provides for the creation of corporations in every county, or county of a city or town, in Ireland, to be called the president and assistant of the fever hospitals of the respective counties, &c.; and this act repeals so much of the 45 Geo. 3. c. 111. as relates to local dispensaries; and gives certain powers to the grand juries of Ireland in respect to presenting money for dispensaries, fever hospitals, and houses of industry; and this act authorizes the lord lieutenant to appoint a board of health in such cities, &c. where any fever or contagious distemper shall appear to exist.

c. 48. —c. 48. E. amends the 57 Geo. 3. c. 130. in respect to saving banks.

c. 49. —c. 49. U. K. explains the acts 46 Geo. 3. c. 52. 47 Geo. 3. c. 36. and 51 Geo. 3. c. 23. for the abolition of the slave trade.

c. 51. —c. 51. U. K. amends certain acts passed in the reigns of king Edw. IV. queen Anne, and king Geo. I. Geo. II. and Geo. III. prohibiting the payment of the wages of workmen in certain trades otherwise than in the lawful coin or money of this realm, (as also the 57 Geo. 3. c. 115 & 122,) by providing that such wages may be paid

paid in the notes of the bank of England, or of any bankers duly licensed.

—c. 52. E. continues until June 20, 1820, the 58G.3. c.52. 52 Geo. 3. c. 17. for the more effectual preservation of the peace by enforcing the duties of watching and warding.

—c. 54. I. grants certain duties in respect of fire hearths, windows, male servants, horses, carriages, and dogs, in lieu of these former inland taxes. c. 54.

—c. 57. I. amends the excise act 55 Geo. 3. c. 19. c. 57.

—c. 60. I. continues the restrictions on payments in cash by the bank of Ireland, until 3 months after the ceasing of the like restriction imposed on the bank of England. c. 60.

—c. 65. G. B. repeals the duties of excise on verjuice and vinegar, and grants other duties in lieu thereof. c. 65.

—c. 67. I. repeals the 57 Geo. 3. c. 107. (which was suspended by the 58 Geo. 3. c. 1.) but re-enacts several of its provisions, for the more deliberate investigation of presentments to be made by grand juries for roads and public works in Ireland, and for accounting for money raised by such presentments, and amends others; but the provisions of the 57 Geo. 3. c. 107. I. respecting the appointment of county surveyors, are altogether omitted. c. 67.

—c. 68. I. repeals so much of 9 Ann. c. 6. Ir. (see Digest, vol. II. p. 1000.) as takes away the benefit of clergy from persons stealing privily from the persons of others; and makes such offence punishable with transportation or imprisonment, in like manner as is provided by the 48 Geo. 3. c. 129. E. c. 68.

—c. 69.

- 58G.3. c.69. —c. 69. E. & W. regulates the manner of holding parish vestries, and the right of voting therein.
- c. 70. —c. 70. E. & W. repeals so much of the 4 W. & M. c. 8. 6 & 7. W. 3. c. 17. 10 & 11. W. 3. c. 23. 5 Ann. c. 31. 14 Geo. 2. c. 6. and 15 Geo. 2. c. 28. as allow pecuniary and other rewards on the conviction of persons for highway robbery, and other crimes; (save as to the executors of persons killed by robbers, &c.); and in lieu thereof, authorizes the courts, before which any persons shall be prosecuted for larceny or other felony, to order payment of the expenses of the prosecution, as also compensation to the prosecutors and witnesses for their loss of time and trouble in the apprehension and prosecution of such offenders.
- c. 75. —c. 75. U. K. makes any person, whether qualified or not, buying any hare, pheasant, partridge, moore, heath game or grouse, liable to a penalty of £5, and encourages the discovery of such offenders by releasing informers from such penalties.
- c. 76. —c. 76. U. K. subjects foreigners to arrest and detention for smuggling within certain distances of the king's dominions; and contains other provisions for the prevention of smuggling.
- c. 80. —c. 80. U. K. amends the 57 Geo. 3. c. 79. for permitting the transfer of capital from certain public stocks or funds in Great Britain, to certain public stocks, &c. in Ireland.
- c. 81. —c. 81. I. extends to Ireland the provisions of the 38 Geo.3. c.87.Eng. (see Digest, vol. I. p. 659) in relation to executors under the age of 21 years, and the provision (s. 13.) of the 26 Geo. 2. c. 33. (see Digest, vol. I. p. 402.) in respect to matrimonial contracts.

—c. 82.

—c. 82. prevents frauds in the sale of grain in 58G.3. c.82. Ireland, by making any corn, &c. spoiled or adulterated, or rotten or damaged, which shall be sold or offered for sale, liable to forfeiture, and every person guilty of any such fraud liable to a penalty of 40 shillings.

—c. 90. U. K. amends the 51 Geo.3. c.1. (which c. 90. respects the administration of the royal authority, &c. during his majesty's illness, &c.) by encreasing the number of her majesty's council; and by providing for the mode of summoning parliament in the several events therein mentioned.

—c. 91. E. provides for appointing commis- c. 91. sioners to inquire concerning charities in England for the education of the poor.

—c. 93. U. K. enacts that no bill of exchange c. 93. or promissory note, that shall be drawn or made after the passing of this act, (June 10, 1818) shall, though it may have been given for an usurious consideration, &c. be void in the hands of an indorsee for valuable consideration, without notice, &c.

—c. 95. E. and W. regulates the place, time, c. 95. and mode of electing coroners in England and Wales.

—c. 98. U.K. explains and amends the 51 Geo.3. c. 23. which respects the abolition of the slave c. 98. trade.

The table of such statutes as are abridged or referred to in the Supplement, is prefixed to the Index: and it is to be observed that the duration of acts, as well as the statutes which continue or perpetuate others, will be found by reference to the chronological tables; which part of the plan of the work, though detailed in the preface,

face, has appeared to me to have not been sufficiently understood.

This Supplement and Preface exhibit some instances of statutes, which were originally framed with relation to England or Great Britain, being by subsequent statutes extended to Ireland; but it appears to me to be desirable that this principle of assimilation should have been acted upon to a greater extent; and I should hope that the next parliament may take the subject into its consideration, and not satisfy itself with a gradual or piecemeal assimilation of the laws of the respective parts of the united kingdom; in those cases, I mean, where they are not rendered peculiar by local circumstances: I presume also to hope, that these labours of mine may be subservient to this good purpose, amongst others.

JOSEPH GABBETT.

Of the Absolute Rights

OF

INDIVIDUALS.

ADDENDA II.—VOLUME I.

The letters P. and l. with the figures prefixed to the several paragraphs in the *Addenda*, denote the pages and lines in the original work, where the supplemental matter should be introduced.

P. 9. l. 18. No statute appears to have been passed within the period of the last six sessions, which can properly be referred to this head, save the 57 Geo. 3. c. 55. G. B. which suspends the *habeas corpus* act in England, and the act for preventing wrongous imprisonment, and against undue delays in trials, in Scotland. Though this statute is of a temporary nature, yet as it is one which may be from time to time revived or continued, I have thought it right to give it a place in this volume. This statute is intitled “an act to continue an act, to empower his majesty to secure and detain such persons, as his majesty shall suspect are conspiring against his person and government:” and the 57 Geo. 3. c. 3. G. B. to which this act refers, recites that a traitorous conspiracy had been formed for the purpose of overthrowing, by means of a general insurrection, the established government, laws, and constitution of this kingdom; and that designs and practices of a treasonable and highly dangerous nature were carrying on in the metropolis, and in many other parts of Great Britain; and the former statute (in like manner as the latter) therefore enacts, that all or any person or persons that are or shall be in prison within Great Britain, at or upon the day on which this act shall receive the royal

Persons imprisoned for high treason, &c. by warrant from the privy council, or secretary of state, shall not be bailed or tried without an order from the privy council.

57 Geo. 3. c. 55. G. B.

assent, (30th June 1817,) or after, by warrant of the privy council, signed by six of said council, for high treason, suspicion of high treason, or treasonable practices, or by warrant signed by any of his majesty's secretaries of state, for such causes as aforesaid, may be detained in safe custody, without bail or mainprize, until the 1st day of March 1818; and no judge or justice of peace shall bail or try any such persons so committed, without order from the privy council, signed by six of said council, until the said 1st day of March 1818. And by s. 2. the act made in Scotland,

s. 2.
Act in Scotland of 1701, so far as relates to treason, suspended, subject in like manner to the order of the privy council.

in the year 1701, intituled "an act for preventing wrongous imprisonment, and against undue delays of trials, so far as the same may be construed to relate to cases of treason and suspicion of treason, with respect to persons so committed as aforesaid, shall be suspended until the 1st day of March 1818; and, until said day, no judge, justice of peace, or other officer of the law of Scotland, shall liberate, try, or admit to bail, any person that is or shall be in prison within Scotland, under a warrant so signed, and for such causes as aforesaid, without order of the privy council, signed by six of said council. Provided (s. 3.)

s. 3.
After March 1, 1818, persons committed to have the benefit of the laws.

that after 1st March 1818, the said persons so committed shall have the benefit of all laws and statutes in any ways relating to or providing for the liberty of the subjects of this realm. And provided (s. 4.) that nothing in this act

s. 4.
Saving for privileges of members of parliament.

shall extend to invalidate the ancient rights and privileges of parliament, or to the imprisonment or detaining of any member of either house of parliament, during the sitting of such parliament, until the matter of which he stands suspected be first communicated to the house of which he is a member, and the consent of said house obtained for his commitment or detaining. And by s. 5. any persons

s. 5.
Persons already indicted, &c. to be tried.

in prison at the time of passing this act, against whom any bills of indictment for high treason have been already found, shall be tried on the same indictment, as if this act had never passed. And this act recites (s. 6.) that

s. 6.
Secretary of state may order persons committed for high treason, &c. to be removed to any other gaol.

there are divers persons in custody on charges of high treason and suspicion of high treason, under a warrant from one of his majesty's principal secretaries of state, or from

from the privy council, and that it may be highly important that such persons as have been or shall be secured and detained under such warrants, should be kept wholly separate from each other, so as to prevent all communication between them, and with other persons, except such communications as his majesty may think fit to permit, and under such restrictions as may be advisable; and that doubts may arise how far the powers of the principal secretaries of state, to change the places of confinement of persons so committed, extend, &c.; and therefore enacts and declares, that it shall be lawful for one of the principal secretaries of state, as he shall see occasion, to order any person committed to any gaol or other prison on any charge of high treason, suspicion of high treason, or treasonable practices, either before or after indictment found, to be conveyed to and detained in any other gaol, &c. until discharged by due course of law, and to issue all warrants necessary for such purposes: provided that no person who shall be removed by any such warrant, shall be, by means of such removal, deprived of such right to be tried or discharged as such person would be entitled to, if not so removed; and in every case in which any such person would have been entitled to have been tried or discharged, if such person had continued in the prison to which he was before committed, it shall be lawful for such person to apply to be bailed or discharged, in the same manner as if such person had remained in the prison, &c. to which he was before committed. By s. 7. this act shall continue in force until 1 March 1818.

*Such removal
not to prejudice
their right to be
tried or discharged.*

s. 7.

*Act in force till
1 March 1818.*

The 57 Geo. 3. c. 19. G. B. which imposes certain restraints upon assemblies of persons collected for the purpose, or under the pretext of deliberating on public grievances, and of agreeing on petitions, complaints, remonstrances, declarations, or other addresses to the king, or prince regent, or both houses, or either house of parliament, may be considered as a temporary suspension of the *right of petitioning for redress of grievances*, which is one of the absolute rights of individuals. But this statute, as well as those framed for the preserving and restoring of

peace in such parts of Ireland as may at any time be disturbed by seditious persons, or by persons entering into unlawful combinations or conspiracies, (54 Geo. 3. c. 186. I. and 57 Geo. 3. c. 50. I.) and for the preventing improper persons from having arms in Ireland, (57 Geo. 3. c. 21. I. which continues the 47 Geo. 3. st. 2. c. 54. I.) appear to belong more properly to the head "of offences against the public peace," and are therefore reserved for another part of this supplement.

Of the Parliament.

*Devises by will
for splitting
votes void.*

53 Geo. 3. c. 49.

E.

s. 2.

Proviso.

*Certain free-
holders under
£20. subject
only to crown
or quit rents,
entitled to
register and
vote, though not
occupying free-
holds.*

57 Geo. 3. c. 1. l.

s. 21. I.

P. 26. l. 7. The 7 & 8 W. 3. c. 25. Eng. as far as relates to the splitting and dividing the interest in houses and lands among several persons, to enable them to vote at elections of members to serve in parliament, is explained and amended by the 53 Geo. 3. c. 49. E. which declares and enacts, that all devises by will, made in such cases and for such purposes as by said act (7 & 8 W. 3. c. 25.) are described, shall be taken to be conveyances within the meaning of said act: provided that this act shall not revoke or defeat any part of any will, other than the devise made void by this act. And provided also (s. 2.) that this act shall not affect any devise made by any testator, &c. whose death took place 20 years before the passing of this act, (21st May 1813.)

P. 33. l. 33. The law in respect to the registry of freeholds under £20. yearly value, as regulated by the 35 Geo. 3. c. 29. Ir. and 45 Geo. 3. c. 59. I. is amended by the 57 Geo. 3. c. 131. I.* which recites, that it is expedient that persons having freeholds under the yearly value of £20. and subject only to crown or quit rent, or arising from fee farm grants, or under a lease or leases for ever, or for lives

* This act by the 37th section confirms and re-enacts all former election acts concerning Ireland, not heretofore repealed, except as herein amended or altered.

lives renewable for ever, should have the power of voting at elections for members of parliament, although they should not reside thereon, or occupy such freeholds by tilling or grazing, to the amount of 40s. yearly value thereof; and therefore enacts, that it shall be lawful for persons having freeholds under £20. yearly value, not consisting of a rent-charge, and liable only to crown or quit rents, to register the same in like manner as is provided for persons having freeholds of the yearly value of £20. by the 37 Geo. 3. c. 47. Ir. And by s. 22. such person so registering his freehold, shall insert in the oath of registry, the words "forty shillings" instead of the words "twenty pounds" or "fifty pounds;" and shall add the following words, "and that the said freehold does not consist of a rent-charge, and that it is liable to no rent, except crown or quit rent" or "that it arises from a fee farm grant" or "that I hold it under a lease (or leases) for lives renewable for ever," as the case may be. And by s. 23. (which refers to the 37 Geo. 3. c. 47. s. 5. Ir. vide P. 85. l. 27) every person who shall offer to vote by virtue of a freehold under the yearly value of £20. and holding the same subject only to crown or quit rents, before he be admitted to poll, shall make the same affirmations, and take the same oaths, as are now provided for persons having freeholds of the value of £20: provided that such person shall, in such oaths, make the same alterations and additions as are herein set forth in the oath of registry for such persons. And the oath prescribed by the 37 Geo. 3. c. 47. s. 1. Ir. for persons seised of freeholds not consisting of rent-charges, who shall desire to register them as being of the value of £50. or £20. is altered by this statute 57 Geo. 3. c. 131. l. which enacts (s. 19.) that it shall be lawful for any person who shall desire to register such freehold, to omit in the oath, or affirmation, the name of the parish or parishes in which said freehold may be situated, and to name therein the townland or townlands, or other denomination, by which the place is generally known, wherein the said freehold may be situated.

s. 22.

Form of oath for such freeholders upon registering.

s. 23.

Form of oaths for such freeholders at polling.

s. 19.

In registering freeholds of £20 or £50. value, name of parish may be omitted.

P. 37. l. 33. The 57 Geo. 3. c. 131. s. 24. l. recites the provision of the 35 Geo. 3. c. 29. Ir. and 45 Geo. 3. c. 59. l. which

Chief magistrates in cities, &c. shall continue to hold the

general quarter session, for one day, after other business concluded, to give freeholders an opportunity of registering.

57 Geo. 3. c. 131.
s. 24. I.

Chief magistrate or deputy to sit between 10 o'clock and 4 o'clock for that purpose.

Signature of chief magistrates sufficient attestation of registry.

s. 25.

Penalty on mayor, &c. and on clerk of the peace for neglect of duty.

which requires that every oath or affirmation made and subscribed at any session of the peace for registry of any freehold, shall be read aloud in open court, and signed by two of the justices presiding therein; and further recites, that the number of the justices who are empowered to act within several of the counties of cities and counties of towns in Ireland, agreeable to the charters thereof, is extremely limited in amount, and often confined, in a great degree, to those who from age and infirmity are incapacitated for active performance of duty; and that it is necessary to provide against any consequent inconvenience or delay of persons possessed of freehold property, who wish duly to register such freeholds; and therefore enacts, that in all counties of cities and counties of towns in Ireland, the mayor or other chief magistrate, or his sufficient deputy appointed by him pursuant to charter, in case of his illness or absence from such city, &c. shall continue to hold each general quarter session of the peace for one entire day after the criminal and other business of every such session has been fully transacted, commencing his sitting at ten in the forenoon, for the purpose of registering all such freeholders as present themselves for the purpose, in such manner as now required by law; and the said mayor* shall continue his sitting until the hour of four in the afternoon, and administer all the oaths, and sign all certificates which are now required to render the registry of such freeholds valid; and the signature of such chief magistrate or his deputy shall be, of itself, a sufficient attestation of such registry, in place of the signatures of two magistrates as now required by law, and shall be then and there delivered by such mayor,* or his deputy, to the clerk of the peace, to be filed and kept among the records of the court. And by s. 25. if such mayor, &c. shall by himself, or his sufficient deputy, neglect or wilfully omit to hold any such session, or to admit to register their freeholds thereat, such persons, duly qualified, as shall present themselves for that purpose to the said mayor, &c. such mayor or chief magistrate so offending

* "Chief magistrate or his deputy," should it seems have been here used.

offending shall forfeit £100. for every such neglect of duty; and if the clerk of the peace, or his sufficient deputy, shall neglect or omit to attend at such session of the peace, and then and there to do all acts now required of him by law for the registry of freeholders, such clerk of the peace shall forfeit £50; such penalties to be recovered by information in any court of record in Dublin, one moiety thereof to the king, and the other to him who shall sue for the same.

P. 55. l. 37. The 51 Geo. 3. c. 1. U. K. provides (s. 25) *Accepting of office of profit under prince regent, or queen, vacates seat.* that if any person being a member of the house of commons, shall accept any office of profit from the crown, by the nomination and appointment of the prince regent, (in the name and on behalf of his majesty) or of her majesty the queen, during the continuance of the regency hereby established, the election of such member shall be void, and a new writ shall issue for a new election, as if such person had been appointed to such office by his majesty. *51 Geo. 3. c. 1. s. 25. U. K.*

P. 60. l. 2. It is provided by the 54 Geo. 3. c. 16. U. K. *Seats of persons continuing in offices under succeeding lord lieutenants, &c. of Ireland, not to be vacated.* which explains the 41 Geo. 3. c. 52. s. 5. that if any person being a member of the house of commons, before or after the passing of this act (6 December, 1813,) who shall have accepted of any office of profit, on the nomination or appointment, or by any other appointments subject to the approbation of any lord lieutenant, &c. or other chief governor of Ireland, shall have remained in, or shall remain in, or shall have accepted or re-accepted, or shall accept or re-accept the same office by the nomination or appointment, or by any appointment subject to the approbation of any successor to the lord lieutenant, &c. by whom such person was previously nominated, appointed, or approved, or re-appointed or continued, the seat of such person shall not thereupon become vacant, nor shall any writ issue for a new election. *54 Geo. 3. c. 16. U. K.* Provided (s. 2.) that nothing in this act shall extend to any person but such as shall have been or shall have continued and remained, or shall be, or shall continue and remain, in any such office, at the time of the decease, removal, or absence of the lord lieutenant, &c. of Ireland, by whom such person was nominated, &c. or re-appointed, &c. *s. 2. To what persons this act shall extend.*

Commissioners of military accounts incapacitated to sit in parliament.

52 Geo. 3. c. 51. s. 3. I.

So also commissioners of public accounts.

52 Geo. 3. c. 52. s. 4. I.

Vice treasurer and commissioners of the treasury may sit in parliament.

56 Geo. 3. c. 98. s. 16. U. K.

Appointment of a commissioner of the treasury of G. B. or I. to be one for U. K. shall not vacate his seat.

Messenger of great seal to carry writs to sheriffs of London and Middlesex, and all other writs to postmaster general.

53 Geo. 3. c. 89. U. K.

P. 60. l. 27. The 52 Geo. 3. c. 51. I. which authorizes the king to appoint 3 commissioners of military accounts in Ireland, provides (s. 3.) that no commissioner appointed by virtue of this act shall, during his continuance in office, be capable of being elected, or of sitting as a member in the house of commons. And the 52 Geo. 3. c. 52. I. which authorizes the king to appoint 5 commissioners for auditing the public accounts of Ireland, also provides (s. 4.) that no such commissioner shall, during his continuance in such office, be capable of being elected, or of sitting as a member of the house of commons. But the 56 Geo. 3. c. 98. U. K. which consolidates the revenues of Great Britain and Ireland, enacts (s. 16.) that the appointment of any person to be vice treasurer for Ireland, or to be a commissioner of his majesty's treasury of the united kingdom, shall not be deemed to be an appointment to a new office or place of profit under the crown; and any person so appointed vice treasurer or commissioner, &c. shall not be hereby disabled from sitting or voting as a member of the house of commons, nor be thereby rendered incapable of being elected a member of the house of commons. And by s. 17. the appointment of any person, being one of the commissioners of the treasury of Great Britain or Ireland, to be one of the commissioners of the treasury of the united kingdom, shall not make void the election of any such person.

P. 67. l. 2. For the more regular conveyance of writs for the election of members to serve in parliament, the 53 Geo. 3. c. 89. U. K. enacts, that when any new parliament shall be summoned, as also in all cases of vacancy during the present or any future parliament, the messenger or pursuivant of the great seal, or his deputy, shall, after the receipt thereof, forthwith carry such of said writs as shall be directed to the sheriffs of London, or sheriff of Middlesex, to the respective offices of such sheriffs, and all such other writs to the general post office in London, and there deliver the same to the postmasters general, or to such other person as the postmasters general shall depute to receive the same, (and which deputation they are hereby required to make) who, on receipt thereof,

of, shall give an acknowledgment in writing of such receipt to the messenger or his deputy, expressing the time of such delivery, and shall keep a duplicate of such acknowledgment, signed by the parties to whom and by whom the same shall be so delivered; and the said postmasters general, or their deputy, shall dispatch all such writs, free from the charges of postage, by the first post or mail after the receipt thereof, under covers directed to the proper officers, to whom such writs shall be directed, and to no other person, accompanied with proper directions to the postmaster or deputy postmaster of the town or place, or nearest to the town or place where such officer shall hold his office, requiring such postmaster or his deputy, forthwith to carry such writs respectively to such office, and to deliver the same there to such officer, or to his deputy, who are hereby required to give such postmaster or his deputy a memorandum in writing, under their hands, acknowledging the receipt of every such writ, and setting forth the day and hour the same was so delivered, which memorandum shall be also signed by such postmaster or his deputy, who are hereby required to transmit the same by the first or second post afterwards, to the said postmasters general or their deputies, at the general post office in London, who are hereby required to make an entry thereof in a proper book for that purpose, and to file and keep such memorandum along with the duplicate of the said acknowledgments signed by the said messenger as aforesaid, that the same may be inspected or produced, upon all proper occasions, by any person interested in such elections. And by s. 2. the chancellor of the county palatine of Lancaster, the lord bishop of Durham, or his temporal chancellor of the county palatine of Durham, the chamberlain of the county palatine of Chester, the warden of the cinque ports, the sheriffs and stewarts of the several counties, cities and stewartries, and all other persons to whom such writs are usually directed, or their lieutenants or deputies, are required, within one month after the passing of this act (2 July, 1813.) to send up to the said postmasters general an account of the city, town, or

Duty of postmasters general thereupon.

Duty of other postmasters to whom writs are forwarded.

Registry kept at general post office.

s. 2. Sheriffs, &c. shall give notice to postmasters general of place where they shall hold their offices.

or place where they shall hold their respective offices, specifying such particulars as shall ascertain the situation of such offices, and so from time to time, with all convenient speed, as often as the places for holding such offices shall be changed; and also an account of such general post town or place as shall be nearest to such offices respectively, in case such offices shall not be in any general post town or place; and the said postmasters general shall have lists made of such places, and cause them to be hung up and kept in some public place in the general post office.

s. 3.

Where sheriffs, &c. hold office in or near London, &c. such notice sent to messenger of great seal.

Provided (s. 3.) that where such sheriff or other person shall hold his office within the cities of London or Westminster, or borough of Southwark, or within 5 miles thereof, such sheriff or officer shall send such account of the place where he shall hold such office, to the messenger of the great seal, instead of the postmaster general; and the said messenger, or his deputy, shall carry all such writs to such office, in like manner as is directed in the case of the sheriffs of London and Middlesex. By s. 4. the allow-

s. 4.

Fees allowed to present and future messengers of great seal.

ances made to the messenger of the great seal, under the head of mileage, for the conveyance of such writs, shall cease after the death of the present messenger, save an allowance of two guineas on each writ for the election of a member to serve in parliament on any vacancy, and of the sum of £50 on the calling of a new parliament; which allowances shall be paid to future messengers from the transfer office, in like manner as the present allowances for mileage are paid. And by s. 5. all other fees for the con-

s. 5.

All other fees of conveyance and upon the delivery of writs for the election of members of parliament shall cease.

veyance and upon the delivery of writs for the election of members of parliament shall cease, and neither the messenger nor his deputy, nor any other person, shall receive any such*. By s. 6. every person concerned in the trans-

s. 6.

Neglecting, or delaying to deliver writ, how punished.

mitting or delivery of any such writ, who shall wilfully neglect or delay to deliver or transmit any such writ, or accept any fee, or do any other matter in violation of this act, shall be guilty of a misdemeanor, and may, upon any conviction by indictment or information in the court

of

* An annuity of £520. is hereby provided for the present messenger, in lieu of such fees.

of king's bench, be fined and imprisoned at the discretion of the court. By s. 7. any person who shall commit in Scotland any offence hereby declared to be a misdemeanor, shall be liable to be punished by fine or imprisonment, as the judge before whom he shall be convicted may direct.

s. 7.

How in Scotland.

P. 75. l. 15. to P. 80. l. 2. The time and mode of holding elections in Ireland as regulated by the 35 Geo. 3. c. 29. 1r. and 37 Geo. 3. c. 47. 1r. is altered by the 57 Geo. 3. c. 131. I. which enacts, (s. 3.) that immediately after the receipt of the writ for the election of a knight to serve in parliament for any county in Ireland, the sheriff of such county shall indorse on the back thereof the date of receiving the same; and, within 2 days after the receipt thereof, cause proclamation to be made at the place where the ensuing election ought by law to be holden, and cause to be affixed on the door of the county court-house public notice thereof, signed by himself, of a special county court to be there holden for such election only, on any day, (Sunday excepted,) not later from the day of making such proclamation, and affixing such notice, than the 16th day, nor sooner than the 10th day. And by s. 1. every poll which shall be demanded at any election for a member or members to serve in parliament for any county, city, borough, or place in Ireland, shall commence upon the day on which the same shall be demanded, or upon the next day at farthest, (unless it be a Sunday, Christmas day, or Good Friday, and then on the day next after,) and shall be duly proceeded in from day to day, (Sundays, Christmas day, and Good Friday always excepted) until the same be finished; but so as that no poll at any election held by virtue of a writ, shall continue longer than the 40th day at furthest after the test thereof; and if by virtue of such writ the election shall be held by precept, no poll at such election shall continue longer than the 30th day at farthest after the date thereof; and if such polls shall continue respectively until such 40th or 30th day, then the same shall be finally closed at or before the hour of three in the afternoon of the same day; and the returning officer shall immediately, or on the day next after the final close

Sheriff to indorse the writ of election with the date of receiving it, and in 2 days after cause proclamation to be made, and affix notice of holding election on some day not sooner than 10th nor later than 16th after.
57 Geo. 3. c. 131. s. 3. I.

s. 1.

Poll to commence on the day when demanded, or next day, except it be Sunday, &c.

Poll not to continue longer than 40th day after test of writ; or 30th day where election held by precept, and to close at 3 o'clock of said day.

Returning officer when to declare the name of the person

having majority.

s. 2.
Returning officer to close booth after 4th day, if no more than 20 electors have polled, &c.

s. 4.
Where freeholders registered &c. exceed 2000, sheriff at the written request of candidate, to divide names alphabetically, so that no more than 2000 shall poll in one booth.

Expense of additional booths, &c. to be paid by candidates jointly.

s. 5.
Sheriff to have a separate booth for the decision of points referred to him.

s. 6.
Commissioners appointed for administering all oaths, &c. except bribe oath, &c.

of the poll, truly, fairly, and publicly declare the name or names of the person or persons who have the majority of votes on such poll, and shall forthwith make a return of such person or persons. And by s. 2. returning officers are required, on any day after the 4th day of polling, to close finally any booth in which no more than 20 electors have polled, or have been referred for decision to the booth of such returning officers, during that day.

P. 77. l. 6. This act provides (s. 4.) that whenever in any barony or half barony of any county in Ireland, the number of freeholders registered (within 8 years previous to the test of the writ, and exceeding 12 calendar months previous to such test,) shall exceed 2000, the sheriff shall, on receiving written notice thereof from any candidate, divide alphabetically, as equally as can be, (but so as not in any case to divide the names beginning with the same letter,) all the names of the freeholders so registered in such barony or half barony, so that it shall not be necessary for more than 2000 to poll in any booth, and to erect as many more booths, or hire as many more buildings, as may be necessary for this purpose, and to appoint as many additional deputies or other officers as shall be necessary to take the poll at such additional booths or buildings, not exceeding one deputy and one poll clerk to each such booth or building; and the expense of every such additional booth or building, and the wages of every such additional deputy or officer, at the same rate as other booths, &c. and as other deputies, &c. shall be paid to the sheriff by all candidates jointly on demand. By s. 5. in order that any reference made to the sheriff should not interrupt the poll, the sheriff of any county is required to erect a booth or hire a building, wherein he shall decide such cases as may be referred to him, exclusive of the number of booths or buildings required by law; and to give his constant attendance therein, during the entire number of hours that the polling shall continue each day. And this act (s. 6.) recites the 51 Geo. 3. c. 77. s. 4. I. (*vide* Addenda p. 5) and that there are other oaths besides those enumerated in said act, which voters at elections may be required to take, the present mode of administering

nistering whereof is attended with delay and inconvenience; and therefore enacts that the justices of peace, &c. appointed pursuant to said act, shall severally, and at different places separate and apart from the place where the poll shall be taken, administer all the oaths, and the declarations and affirmations required to be taken or made by persons offering to vote at any election, the bribery oath or affirmation only excepted, which oath, &c. shall be taken at the place of taking the poll, at the desire of any candidate or elector, as before the passing of this act. By s. 7.

every person so appointed shall, immediately after such appointment, and before he shall act, take the following oath, in place of the oath required by the "51 Geo. 3 c. 77.

Oath of such justices or commissioners.

"I *A. B.* do swear, that I will faithfully and impartially administer the oaths, and take the affirmations, now required by law to be taken or made by voters at elections for members to serve in parliament, (except the bribery oath or affirmation) to and from such persons as shall lawfully apply to me in that behalf, in order to qualify themselves to vote at this election:" which

oath the returning officer or officers, or any of them, shall administer; and such clerk of the peace, or a deputy appointed by him for the purpose, (as required by the 51 Geo. 3. c. 77.) shall attend each of such justices of the peace during the administration of such oaths, &c. and shall give, without fee or reward, to every person who shall take such oaths, &c. a certificate thereof in manner herein after mentioned, and shall take the following oath in place of the oath required by the 51 Geo. 3. c. 77. "I

Clerk of the peace or his deputy to attend each justice, and give certificate.

"*A. B.* do swear, that I will, on being thereunto requested, fairly and truly give, without fee or reward, to every such person, or any of them, who shall take such oaths or make such declarations or affirmations respectively, or any of them, as are now by law required to be taken or made by voters at elections for members to serve in parliament, before the justices of the peace appointed by the returning officer, a certificate thereof; and that I will not give such certificate to any person before he shall have taken such oath or oaths, or make such declaration or declarations, affirmation or affirmations

Oath of clerk or deputy.

"tions

s. 8.

*Any elector
may demand to
have oaths, &c.
administered.*

tions respectively, as shall be mentioned in such certificate, in my presence;" which oath the returning officer or officers, or any of them, shall administer. By s. 8. after the persons so appointed shall have taken such oath, any person claiming to vote at such election may, before he shall give his vote, apply to any one of the persons so appointed and sworn, to take the oaths, and make the declarations and affirmations, or any of them; and the person to whom such application shall be made, shall accordingly administer the same to such person so claiming a right to vote; and the said clerk of the peace, or his deputy so sworn, &c. shall, immediately upon such oaths, &c. being taken and made, sign and deliver a certificate thereof to such person, which certificate shall contain the name, addition, and place of abode of the person to whom the same shall be so given; and in case of persons taking the said oath shall be in the terms following: *A. B.*

Form of certificate to be given to persons taking the oaths, &c.

(naming the person taking the oath, &c.) of (naming the place of such person's abode, and his addition or occupation) has taken the oath (or oaths, affirmation or affirmations, declaration or declarations) of (naming the said oath, &c. so administered,) before me this day of

s. 9.

Persons not to be suffered to vote without producing certificate.

And every person to whom such certificate shall be so given, shall, on producing the same to the person or persons lawfully taking the poll at such election, be deemed to have taken or made such oaths, &c. as if the same had been taken or made in manner required before the passing of this act. By s. 9. when any person offering to vote, without producing such certificate, shall be lawfully required to take the said oaths, or make the said declarations or affirmations, or any of them, then such oaths, &c. shall not be administered by the returning officer or other person taking the poll, or at the place of taking the poll, but such elector shall immediately withdraw, and shall take the said oaths, or subscribe and make the said declarations, &c. before one of the commissioners appointed and sworn as aforesaid.

s. 10.

Certificate cancelled after polling.

By s. 10. every elector having received such certificate as aforesaid, shall, so soon as he shall have polled, deliver the same to the person taking the poll, who shall forthwith cancel the same.

same. By s. 11. if it shall be found that the poll is de-
 layed for want of a sufficient number of persons to ad-
 minister such oaths, &c. then the returning officer
 shall, at the request in writing of any candidate then
 present, appoint such further number of persons for ad-
 ministering oaths, &c. and granting certificates, as shall be
 necessary, who shall take the like oath as the person first
 appointed. By s. 12. the returning officer is required to
 provide a proper place for every person so appointed to
 execute his said duty, to which the electors may have ac-
 cess, without interrupting the poll, and so as the persons
 so appointed shall not interfere with each other; and each
 of said places shall be open, and attended by the person so
 appointed to act there, during all such times as the poll
 shall be kept open, and shall continue at least 8 hours in
 every day, between the hours of eight in the morning, and
 eight in the evening, until the final close of the poll; and
 the said oaths, &c. shall respectively be administered
 to as many of the electors as can conveniently take or
 make the same together, not exceeding 12 at a time; and
 the returning officer shall provide and deliver to each per-
 son who shall be appointed by him, a sufficient number of
 printed certificates, agreeable to the form herein before di-
 rected, to be filled up as occasion may require, and signed
 by the clerk of the peace, or his deputy appointed or
 sworn, and attending on such person as aforesaid, and de-
 livered to each elector so taking or making said oaths, &c.
 And by s. 13. in case any candidate shall, 3 days at least
 before any such election, give or cause to be given notice
 in writing to the returning officer, to provide proper pla-
 ces for administering said oaths, &c. then booths or other
 proper places shall be provided, so as to be ready against
 the day of election; the expense of which booths, &c. and
 of the said printed forms, and also the allowance and com-
 pensation, if any, to be made to the several justices of
 peace administering such oaths, &c. for their trouble and
 attendance, not exceeding one guinea a day to every one
 of them, and also the allowance and compensation to be
 made to the clerk of the peace, or his deputies appointed
 as aforesaid, not exceeding half a guinea a day to every of
 them

s. 11.

*Number of per-
sons to adminis-
ter oaths en-
creased at re-
quest of any
candidate.*

s. 12.

*Proper places
to be provided
for persons ad-
ministering
oaths, &c.*

*Attendance 8
hours.*

*Oath, &c. not
administered to
more than 12 at
a time.*

*Printed certifi-
cates to be pro-
vided.*

s. 13.

*Returning offi-
cer to provide
booths, &c.
upon receiving
3 days notice
from any candi-
date.*

*Expenses of
booths, &c. and
certificates and
compensation
for clerk of the
peace, deputies,
&c. to be paid
to returning
officer by can-
didates jointly.*

What compensation.

s. 14.

Clerk of the peace, or deputy, to attend returning officer with original affidavits.

s. 15.

Interpreters for each booth, &c. to be provided at request of any candidate.

Oath of interpreters.

Compensation to interpreters.

s. 16.

Deputies in each booth, &c. to examine persons tendering votes as to the nature of their freeholds.

them for each day of attendance, shall be defrayed by the candidates, in equal proportions, to the returning officer or officers who shall have incurred such expense. By

s. 14. the clerk of the peace, or his deputy, shall attend (during the whole of the election) the returning officer in his booth, court, or building, where he shall preside; and bring with him all the original affidavits of registry, and shall, on demand of the returning officer, or his assessor, produce such affidavit as may be so required. And this

act further provides (s. 15) that the returning officer shall on demand or request in writing of any candidate, immediately after such request, appoint as many competent persons to act as interpreters, as there shall be places of polling, or places of taking the oaths, &c. so that one such interpreter shall attend each of such places, to translate faithfully such oaths, &c. and such questions and answers as are herein-before, or herein-after required to be taken, made, asked, or given at the place of polling, and also before the persons appointed to administer oaths, &c. as aforesaid; and every such interpreter shall immediately take the following oath, which the returning officer shall administer: "I *A. B.* do swear, that I will faithfully interpret such oaths, declarations, affirmations, questions and answers, as I shall be directed to interpret by the returning officer or officers, his or their deputies, and the persons appointed to administer oaths, declarations and affirmations at this election." And the allowance

and compensation to be made to the several persons appointed as aforesaid for their trouble and attendance, not exceeding half a guinea a day to every of them for each day of attendance, shall be repaid by the candidates at such election, in equal proportions, to the returning officer.

By s. 16. when any person shall tender his vote as having a freehold, the deputy presiding in any polling booth, &c. shall personally examine such person as to his name and residence, the value, tenure, and situation of his freehold, and whether it arises from a rent-charge; but it shall not be lawful for any other person besides the deputy, whether barrister, attorney, agent, candidate, elector, or other person, to plead or speak to, or examine

any

any person tendering his vote, on any pretence whatever, during the continuance of the poll, in any of the polling booths. But by s. 17. it shall not be lawful for any de-
No candidate or other person to plead, speak to or examine such electors.

puty to examine any person tendering his vote, except as herein-before directed; and if any objection shall arise to the right of such person to vote, such objection shall be forth-
s. 17. If vote objected to, point forth-with referred to returning officer.

with referred to the returning officer; but it shall not be lawful for any deputy to investigate such person's right to vote, nor to reject such person's vote, without reference to the returning officer. To avoid the delay arising from searches for original affidavits of registry at elections, this statute enacts, (s. 18) that in every case in which a person
s. 18.

offering to poll shall produce a certificate of registry in manner and form by law required, without erasure or interlineation, such certificate shall be conclusive evidence of his having duly registered such freehold; but if any va-
Certificate free from erasure, &c. conclusive evidence of registry.

riance between such certificate and the book of registry shall appear to the deputy, or if no such certificate shall be produced by such person, such deputy shall refer such person, if objected to, to the returning officer, or his as-
Returning officer, or assessor, alone to examine original affidavit, if variance, &c. alledged.

essor, who are hereby exclusively authorized to examine such person's original affidavit of registry. By s. 26. at any election for any county, city, borough or town in Ire-
s. 26. Oath of poll clerk.

land, every person whom the returning officer shall retain to act as a clerk for taking the poll, shall, before he commences to take such poll, take the following oath: "I A. B. swear, that I will truly and indifferently take the poll at this election, and set down the name and residence of each voter, the value, tenure, situation, and place and date of registry of his freehold, and whether sworn to or affirmed by such voter, as the case may be, and for whom he shall poll;" which oath the returning officer shall administer. By s. 30. no sheriff of any county shall

appoint any person to act as his deputy, unless such person shall have a freehold in such county of the yearly value of £50. at least above all charges; and such sheriff shall
s. 30. Deputies to be £50. freeholders.

demand upon oath, of such person offering to be sworn a deputy, whether he has such a freehold. By s. 31. in case of the death or severe illness of the returning officer during the poll, the first deputy sworn by himself before the
s. 31. In case of death or illness of returning officer, the deputy first sworn by him shall act.

*Special return
by him, unless
superseded.*

s. 28.

*Deputies, com-
missioners, poll
clerks, &c. ab-
senting them-
selves, to forfeit
compensation,
and others ap-
pointed.*

s. 29.

*Returning offi-
cers, or other of-
ficers refusing
or neglecting to
perform their
duty, forfeit
£10. and treble
costs.*

s. 27.

*Returning offi-
cer acting cor-
ruptly how pun-
ished.*

s. 34.

*Returning offi-
cer to summon
peace officers to
attend elections.*

*Penalty for de-
fault of peace
officers.*

commencement of the poll, shall, under the penalty of forfeiting £1000. to any person suing for the same, proceed in the poll, and act for all the purposes of the election as if he had been originally returning officer, and take the oath as directed by law for the returning officer at the commencement of the poll, (which any 2 justices of peace may administer,) and shall make a special return of the facts, as the case may be, unless his authority shall be previously superseded by the recovery of the returning officer, or the legal appointment of a new one. By s. 28. any deputy sheriff, commissioner for administering oaths, declarations, and affirmations as aforesaid, poll clerk, clerk of the peace, or deputy clerk of the peace, appointed as aforesaid, or interpreter, absenting himself, shall forfeit all compensation for attendance during such election; and the returning officer, in case of the absence of any such person, shall immediately appoint, as herein-before directed, a person to fill his place. And by s. 29. any returning officer or deputy returning officer, sheriff, or deputy sheriff, clerk of the peace or deputy clerk of the peace, or other officer herein before mentioned, who shall refuse or neglect to perform his duty according to the provisions of this act, shall forfeit £10. with treble costs, for every such refusal, &c. to any person suing for the same at any sessions of the peace, within 12 calendar months after such neglect, &c. And by s. 27. every returning officer who shall be, by due course of law, convicted of having acted corruptly or partially in the execution of his duty of returning officer at any election, shall be adjudged guilty of a high misdemeanor, and be imprisoned for 3 years, and be for ever incapable of holding any office or situation, civil or military, under the crown.

P. 79. l. 17. For preventing or suppressing riots at elections, the 57 Geo. 3. c. 131. I. provides (s. 34.) that at any election for any county, city, borough, or town in Ireland, it shall be lawful for any returning officer to summon all constables, bailiffs, or other peace officers, to attend and keep the peace; and any such constable, &c. neglecting to attend during the whole of such election, shall forfeit such office of constable, &c. and all salary due to

to him. And by s. 35. any constable, &c. convicted of a breach of the peace during such election, shall be guilty of a misdemeanor, and be imprisoned for any time not exceeding 12 calendar months. By s. 36. returning officers at elections, or their deputies, shall have power to commit all persons to gaol, without bail or mainprize, who shall be found rioting or interrupting the poll, or wilfully preventing the approach of electors to the place of polling; provided that the time of such imprisonment shall not exceed 24 hours.

s. 35.
Punishment of constables, &c. guilty of breaking the peace.

s. 36.
Persons interrupting the poll how punished.

P. 97. l. 7. This statute (57 Geo. 3. c. 131. I.) further provides (s. 20.) that every person who shall be by due course of law convicted of having polled a second time at the same election, except as herein-after mentioned, or of having personated any other person for the purpose of polling at such election, shall be guilty of felony, and be transported for 7 years to some part of his majesty's dominions out of Europe, or be imprisoned for any term not more than 7 years, at the discretion of the judge who shall try such person. But by s. 32. in all cases where it shall be made to appear to the returning officer, upon oath of any credible witness, (which oath he shall administer before the poll is finally closed) that any candidate, for whom any votes have been given at such election, shall have died, then such returning officer shall cause public notice thereof to be given, and shall direct such poll to be adjourned till the next day; and in such case every elector who shall have voted for such deceased candidate shall be admitted to vote over again: provided that nothing herein contained, shall enable any person who shall have so voted for any deceased candidate, to vote again for more than one candidate, or to give such vote for any candidate for whom he shall have before voted. And by s. 33. in every such case of any person being so admitted to vote a second time, the following words shall be omitted out of the oaths or affirmations now directed to be taken or made by every such person before he is admitted to poll: "and that I have not been before polled at this election," and that in lieu thereof the following be inserted, "and that I have polled at this election for *A. B.* now deceased."

s. 20.
Polling a second time or personating voter punishable with transportation or imprisonment for 7 years.

s. 32.
Where candidate dies, his voter may poll for another candidate.

s. 33.
Oath how altered in such case.

P. 105. l. 4. The 53 Geo. 3. c. 71. G. B. provides, *Lists of voters that intended to be*

objected to, how and when delivered to clerk of house of commons.

53 Geo. 3.c.71.
s. 1. G. B.

that in all cases of controverted elections, or returns of members to serve in parliament for Great Britain, all the parties complaining of or defending such elections, &c. shall, by themselves or their agents, deliver in to the clerk of the house of commons, lists of the voters to be objected to, to be kept in his office, open to the inspection of all parties concerned; giving in said lists the several heads of objections, and distinguishing the same against the names of the voters excepted to; and such lists shall be so delivered in upon all controverted elections and returns for Scotland, or for any county in England or Wales, 10 days at least before the day appointed for the consideration of the petition complaining of such election, &c; and upon all other controverted elections, &c. for England or Wales, 5 days at least before the day appointed for the consideration of such petition: provided, that if the consideration of any such petition shall be postponed by order of the house during the same session, or shall be renewed at the commencement of another session, it shall be sufficient if such lists shall be so delivered, within such periods as are hereby directed, before the committees for the trial of such petitions shall be actually appointed. And by s. 2. no evidence shall be adduced

s. 2.

Evidence confined to objections particularized in lists.

before the select committee appointed for the trial of the petition, upon which such list shall have been delivered in, against the validity of any vote, upon any head of objection other than one of those specified in such list as aforesaid; and if any ground of objection shall be stated against any voter in such lists, and no evidence shall be produced before such select committee to substantiate such objection, and if such committee shall be of opinion that such objection was frivolous or vexatious, the said committee shall report the same to the house of commons, together with their opinion on the other matters relating to the said petition; and the party or parties opposite shall, in such case, be entitled to recover from the party or parties on whose behalf any such objections were made, the full costs and expenses incurred by reason of such frivolous or vexatious objections; which costs, &c. shall be ascertained and recovered in the manner provided by law for the recovery of costs, &c, in cases of frivolous or vexatious petitions.

Costs on frivolous or vexatious objections.

P. 107. l. 17. To ensure the more punctual payment of all costs, expenses, and fees which may become due to witnesses, officers of the house, and parties, the 53 Geo. 3. c. 71. G. B. further provides, (s. 3.) that no proceeding shall be had on any petition by virtue of any act concerning the trial of controverted elections and returns, unless the person or persons subscribing the same, or some one or more of them, shall, within 14 days after the same shall be presented to the house, or within such further time as shall be limited by the house, personally enter into a recognizance to the king, according to the form herein-after mentioned, in the sum of £1000, with 2 sufficient sureties in £500 each, for the payment of all costs, expenses, and fees which shall become due to any witness summoned on behalf of the person or persons so subscribing such petition, or to any clerk or officer of the house upon the trial of the said petition, or to the party who shall appear before the house or committee in opposition to such petition, in case such person or persons shall fail to appear before the house at such time or times as shall be fixed for taking such petition into consideration; or in case the said petition shall be withdrawn by the permission of the house; or in case such committee shall report to the house, that the said petition appears to them to be frivolous or vexatious; and if at the expiration of the said 14 days, such recognizance shall not have been entered into, or shall not have been received by the speaker of the house of commons, the speaker shall report the same to the house, and the order for taking such petition into consideration shall thereupon be discharged, unless upon matter specially stated and verified on oath to the satisfaction of the house, the house shall enlarge the time for entering into such recognizance; and whenever such time shall be so enlarged, the order for taking such petition into consideration shall, if necessary, be postponed, so that no such petition shall be taken into consideration till after such recognizance shall have been entered into and received by the speaker: provided that the time for entering into such recognizance shall not be enlarged more than once, or for more than 30 days. And by s. 4. eight days at the least before the person or persons so petitioning shall enter into

s. 3.

*Recognizances
by petitioners
for payment of
costs, &c. to wit-
nesses, clerks,
and parties.*

s. 4.

*Names of sure-
ties returned to
the clerk of house of
commons.*

the said recognizance, he or they, by themselves or their agents, shall deliver in writing to the clerk of the house of commons, the names of the sureties who are proposed to enter into such recognizance; which names shall be entered in a book to be kept by the said clerk in his office, open to the inspection of all parties concerned. And by s. 5. the said recognizance shall be entered into, and the sufficiency of the sureties named therein shall be allowed and judged of, in like manner and under such regulations as are enacted by the 28 Geo. 3. c. 52. with respect to the recognizance therein directed to be entered into by persons presenting petitions complaining of undue elections or returns. And it is provided (s. 6.) that it shall be lawful for the same persons, if sufficient, to become sureties in the recognizance herein directed, and in the recognizance directed by the 28 Geo. 3. c. 52. and that the names of the sureties who are proposed to enter into the last-mentioned recognizance, shall be in like manner delivered to the clerk of the house of commons, and entered by him as hereby directed with respect to the sureties in the first-mentioned recognizance. The form of the recognizance annexed to this act is, “ Be it remembered, that on the “ day of in the year of our Lord “ before me *A. B.* (speaker of the house of commons) or “ (one of his majesty’s justices of the peace for the county “ of) came *C. D. E. F. I. G.* and severally “ acknowledged themselves to owe to our sovereign lord “ the king the following sums, that is to say, the said “ *C. D.* the sum of £1000, and the said *E. F.* and the said “ *I. G.* the sum of £500 each, to be levied on their re- “ spective goods and chattels, lands and tenements, to the “ use of our said sovereign lord the king, his heirs and “ successors, in case the said *C. D.* shall fail in performing “ the condition hereunto annexed. The condition of this “ recognizance is, that if the said *C. D.* shall well and “ truly pay all costs and expenses, and fees, which shall be “ due and payable from the said petitioner to any witness “ who shall be summoned to give evidence in his behalf, “ or to any clerk or officer of the house of commons, upon “ the trial of the petition signed by the said *C. D.* com- “ plaining of an undue election or return for the (here “ state

s. 5.
*Recognizance
 in like manner
 as directed by
 28 Geo. 3. c. 52.*

s. 6.
*Same persons
 may be sureties
 in the recogni-
 zances directed
 by both acts.*

*Names of sure-
 ties under
 28 Geo. 3. c. 52
 to be also return-
 ed.*

*Tenor of recog-
 nizance annex-
 ed to this act.*

“state the county, city, borough or district of burghs) or
 “complaining that no return has been made for the said
 “ within the time limited by act of parlia-
 “ment, or that the return made for the said
 “is not a return of a member or members according to
 “the requisition of the writ: and if the said petitioner
 “shall also well and truly pay the costs and expenses of
 “the party who shall appear before the house in opposi-
 “tion to the said petition, in case the said petitioner shall
 “fail to appear before the house at such time or times as
 “shall be fixed by the house for taking such petition into
 “consideration; or in case the said C. D. shall withdraw
 “his said petition by the permission of the house; or in
 “case the select committee appointed by the house to try
 “the matter of the said petition shall report to the house,
 “that the said petition appears to them to be frivolous or
 “vexatious, then this recognizance to be void, otherwise
 “to be of full force and effect.” By s. 7. in all cases

s. 7.

where any question shall arise as to the amount of the rea-
 sonable costs, expenses or fees, which shall be due and
 payable to any witness, or to any clerk or officer of the
 house of commons, upon the trial of any such petition, the
 speaker shall, on application, direct the same to be taxed
 by such persons and in like manner as by the 28 Geo. 3.
 c. 52. (vol. 1. P. 122. 3.) is directed in cases where peti-
 tions or the opposition to such petitions have been declared
 to be frivolous or vexatious; and the persons so directed
 to tax such costs, &c. shall examine the same, and report
 the amount thereof to the speaker, who shall, on appli-
 cation, deliver to the person or persons concerned, a cer-
 tificate signed by himself, expressing the amount of the
 fees, &c. allowed in such report: and the persons so ap-
 pointed shall receive, for such taxation and report, such
 fees as shall be from time to time fixed by any resolution
 of the house; and the certificates, so signed by the speak-
 er, shall be conclusive evidence of the amount of such
 demands; and the witness, officer, or party claiming un-
 der the same, shall, upon payment thereof, give a receipt
 at the foot of such certificate, which shall be a sufficient
 discharge for the same. And this act (s. 8.) amends the
 28 Geo. 3. c. 52. s. 8. (vol. i. P. 106) by providing that it

*Expenses and
 fees of witnesses
 and clerks, when
 disputed, how
 taxed and certi-
 fied.*

s. 8.

*Petitions when
 allowed to be
 withdrawn.*

shall

shall be lawful for the house to permit any petition complaining of an undue election or return, or any petition presented in pursuance of the 28 Geo. 3. c. 52. to be withdrawn upon matter which shall have arisen since the same was presented, and which shall be specially stated and verified on oath to the satisfaction of the house. By

s. 9.
In default of
petitioners ap-
pearing parties
opposite to have
their costs, &c.

s. 9. in all cases where the petitioners shall fail to appear before the house by themselves, or by their counsel or agents, at the time fixed for the appointment of the select committee, (the house not having permitted such petitions to be withdrawn,) and the order for the consideration of such petitions shall be thereupon discharged in pursuance of the 28 Geo. 3. c. 52. (vol. i. P. 111.) the parties who shall attend the house in opposition to such petitions, shall in like manner be entitled to recover from such petitioners the full costs and expenses which they have incurred by reason of such petitions. By s. 12. if any petitioner who

s. 12.
Where petition-
ers neglect to
pay witnesses,
&c. recognizance
how estreated.

shall have entered into such recognizance as aforesaid, shall neglect or refuse, for the space of 7 days after demand, to pay to any witness who shall have been summoned on his behalf before the house, or such select committee, on the trial of said petition, the sum so certified by the speaker to be due to such witness, together with the sum of 40s. *per diem*, for every day during which such petitioner shall delay to satisfy the same; or if such petitioner shall neglect or refuse, for the space of 6 months after demand, to pay to any officer of the house, or to any party who shall appear in opposition to said petition, the sum so certified by the speaker in pursuance of this act, or of the 28 Geo. 3. c. 52. to be due to such officer or party for their fees, costs or expenses, and that such neglect, &c. shall be proved to the speaker's satisfaction by affidavit sworn before any master in chancery, (which affidavit such master is required to take and certify under his hand,) such person shall be held to have made default in his said recognizance, and the speaker shall thereupon certify such recognizance into the court of exchequer, and also certify that such person hath made default therein; and such certificate shall be conclusive evidence of such default, and the

the recognizance being so certified shall have the same effect as if estreated from a court of law. Provided that such recognizance and certificate shall in any such case be delivered by the clerk, deputy clerk, or one of the clerks assistant of the house of commons, into the hands of the lord chief baron of the exchequer, or of such officer as shall be appointed by the said court to receive the same.

And by s. 13. in any action which shall be commenced for the recovery of any costs, &c. which shall have been certified by the speaker, in pursuance of this act, or of the 28 Geo. 3.

s. 13.

Speaker's certificate to have the effect of a warrant of attorney.

c. 52. such certificate, so signed as aforesaid, shall have the effect of a warrant of attorney to confess judgment; and the court in which such action shall be commenced, shall, upon motion, and on the production of such certificate, enter up judgment for the sum specified in such certificate to be due from the defendant in such action, in like manner as if such defendant had signed a warrant to confess judgment. Provided (s. 14.) that the aforesaid rules and regulations by which persons are directed to enter into recognizances, and by which persons are made liable to the payment of costs in the cases herein-before specified, shall not apply to any petition presented in pursuance of the 28 Geo. 3. c. 52. and relating solely to any question respecting the right of election, or of choosing, nominating, or appointing a returning officer.

s. 14.

Regulations respecting recognizances not to apply to petitions respecting right of election, &c.

P. 115. l. 33. The 53 Geo. 3. c. 71. s. 20. G. B. recites the clause (s. 6.) of the 11 Geo. 3. c. 42. Eng. which provides, that the 13 members whose names shall be returned by the parties to the house, shall, by themselves, choose 2 members then present in the house, to be added to the said 13 members, and enacts, that either of the members so chosen shall or may be set aside, for any of the same causes as those chosen by lot.

s. 20.

The two members chosen out of the thirteen under the 11 Geo. 3. c. 42. s. 6. for what causes set aside.

P. 121. l. 31. It is recited by the 53 Geo. 3. c. 71.

s. 19.

s. 19. G. B. that doubts had arisen as to the authority of select committees to examine, as a witness, any person who may have subscribed the petition, to try and determine which such committee shall have been appointed; and therefore enacts, that it shall be lawful for any such select committee, duly constituted for the trial of controverted elections

Select committees may examine persons subscribing petitions unless interested.

elections or returns, to examine any person although he shall have subscribed such petition; except it shall otherwise appear to such committee, that such person shall be an interested witness.

s. 10.

Costs taxed as between attorney and client.

P. 124. l. 9. The 53 Geo. 3. c. 71. G. B. enacts (s. 10.) that in all cases the persons authorized and directed (in pursuance of this act or the 28 Geo. 3. c. 52.) by the speaker to tax such costs and expenses, shall allow all reasonable costs between attorney and client. And by

s. 11.

Persons appointed by speaker to tax costs, &c. empowered to take affidavits.

s. 11. each of the persons authorized by the speaker in pursuance of the 28 Geo. 3. c. 52. or this act, to tax such costs, &c. and also any master in chancery, or any justice of peace, are hereby authorized to take any affidavit relative to such costs, &c. or the taxation or non-payment thereof, and to administer the oath for taking such affidavit; and also the persons authorized to examine the sufficiency of sureties to be named in the recognizances mentioned in the 28 Geo. 3. c. 52. or this act, (besides the persons therein mentioned) shall have authority to take any affidavit relative to such sureties, or to entering into any recognizance, and to administer the oath for taking such affidavit; and every person convicted of wilfully false swearing in any such affidavit, shall suffer the penalties of wilful and corrupt perjury.

s. 15.

Petitions against determinations respecting right of election, &c. to be presented within 6 months after report.

P. 125. l. 1. The 53 Geo. 3. c. 71. G. B. recites the clause of the 28 Geo. 3. c. 52. s. 26. here stated, and enacts (s. 15.) that whenever any such report with respect to such rights, (of election, or of choosing returning officers) any or either of them, shall be made to the house, it shall be lawful for any person, within 6 months after the day on which such report shall have been made, (or in case such 6 months shall end between the time when the present or any future parliament shall be dissolved, or expire, and the day on which the next parliament shall meet, or in case such 6 months shall expire during any recess, either by the prorogation of parliament, or by the adjournment of the house of commons for 14 days intervening between the day of adjournment, and the day to which the house shall be so adjourned, then within 14 days after the first day of the next parliament, or of the next session of the same

same parliament, or of the next meeting of the house of commons,) to petition the house to be admitted as a party to oppose those rights, any or either of them, which shall have been deemed valid by such select committee; and such petition shall be ordered by the house to lay on the table till such 6 months, or such 14 days, shall be expired; and within 21 sitting days after the expiration of such 6 months or 14 days, a day and hour shall be appointed by the house for taking the same into consideration, so that 14 days at the least shall intervene between the day on which such order shall be made, and the day appointed by the house for taking the same into consideration; and such day and hour may from time to time be altered as to the house shall seem fit; and notices of such day and hour, and of such alteration thereof, shall be sent to the several persons who have petitioned the house respecting such rights, in like manner as in other cases. And this act recites (s. 16.) that it is not fit that any member having served on a select committee, who shall have reported to the house their determination with respect to the right of election, or the right of choosing any returning officer, by virtue of the 28 Geo. 3. c. 52. should also serve on a select committee to be appointed to try the merits of a petition opposing such determination; and therefore enacts, that if upon the appointment of any such last mentioned select committee, the name of any member shall be drawn who served on such former committee, and was present at the time of such determination, his name shall be set aside. And for avoiding all doubts respecting the appointment of any select committee, under any act concerning the trial of controverted elections and returns, by reason of any of the members not being qualified to serve upon such committee, this statute enacts (s. 18.) that every select committee which shall be appointed by virtue of the said acts, or any of them, shall be deemed to have been legally appointed, from the time of any such select committee having been sworn at the table in the usual manner. And whereas by the 28 Geo. 3. c. 52. certain notices and reports are ordered to be inserted in the next London Gazette, which direction cannot in many cases be complied with, this statute enacts (s. 17.) that in all cases where

s. 16.

Acting member of committee reporting as to right of election, &c. not to serve on committee, appointed on petition opposing such report.

s. 18:

Select committee sworn at table deemed legally appointed.

s. 17.

Sufficient to insert notices and reports in one of the two next London Gazettes.

such

such notice or proceeding is directed to be published in the next London Gazette, it shall be sufficient if the same is published in one of the two next London Gazettes.

Upon proclamation declaring the death of prince regent, or of her majesty, or of the resumption of royal authority, parliament if in being to meet.

51 Geo. 3. c. 1.
s. 22. U. K.

s. 23.

Or if no parliament in being, preceding parliament to meet; except where writs of summons previously issued,

P. 147. l. 23. The 51 Geo. 3. c. 1. U. K. provides, (s. 22.) that if the prince of Wales shall depart this life during the continuance of the regency by this act established, or cease to be regent under any of the provisions thereof, the privy council shall, forthwith, cause a proclamation to be issued in his majesty's name, under the great seal of the united kingdom, declaring the same: and if the queen shall depart this life while the care of his majesty's person shall be committed to her, according to the provisions of this act, the regent shall, forthwith, order a proclamation under the great seal to be issued, declaring the same: and in case the parliament in being at the time of issuing any proclamation declaring the death of the regent, or of her majesty, or at the time of issuing any proclamation for the resumption of the royal authority by his majesty, shall then be separated by any adjournment or prorogation, such parliament shall forthwith meet and sit. And by (s. 23.) in case any such proclamation, in any or either of such cases as aforesaid, shall issue subsequent to the dissolution or expiration of a parliament, and before the day appointed by any writs of summons then issued for assembling a new parliament, then the last preceding parliament shall immediately convene and sit at Westminster, and be a parliament to continue for 6 months, and no longer, but subject to be sooner prorogued or dissolved: provided that if any such proclamation shall issue in any of such cases as aforesaid, upon or at any time after the day appointed by any writ of summons then issued for calling a new parliament, and before such new parliament shall have met and sat, such new parliament shall, immediately after such proclamation, convene and sit at Westminster, and be a parliament under the provisions of this act.

Of the King's Prerogative.

P. 160. l. 5. The 52 Geo. 3. c. 78. I. which is an act to make better provision for the commissioners of appeals in revenue causes in Ireland, provides (s. 4) that every commission which shall be issued, after the passing of this act, for the appointment of any such commissioner, shall be made to continue during the good behaviour of the person so to be appointed. The 50 Geo. 3. c. 31. U. K. has augmented the salaries of the lords of session, lords commissioners of justiciary, and barons of exchequer in Scotland, and judges in Ireland. And the 53 Geo. 3. c. 153. E. is an act to enable the king to grant additional annuities to the judges of the courts of Westminster-Hall, on their resignation of their offices. And the 54 Geo. 3. c. 95. I. also enables the king to grant additional annuities to the judges of the courts of king's bench, common pleas, and exchequer in Ireland, on the resignation of their offices. And the following statutes 52 Geo. 3. c. 11. and c. 40. 54 Geo. 3. c. 83. 57 Geo. 3. c. 60. 61. 62. 63. 64. 67. and 84. which abolish some offices, and provide for the more effectual and economical execution of the duties of others, may be here also noticed, as concerning the king's prerogative of erecting and disposing of offices.

Commissioners of appeals to hold their offices during good behaviour.

52 Geo. 3. c. 78. s. 4. I.

50 Geo. 3. c. 31. U. K.

53 Geo. 3. c. 153. E.

Judges' salaries augmented.

54 Geo. 3. c. 95. I.

Annuities to retiring judges augmented.

Offices abolished, &c.

P. 160. l. 29. The 46 Geo. 3. c. 153. U. K. should have been here referred to, which provides, that it shall not be lawful for any person to make, construct, or erect any pier, quay, wharf, jetty, breast, or embankment, in or adjoining to any public harbour in the united kingdom, or any river immediately communicating therewith, so far as the tide flows up the same, without giving at least one month's previous notice of his intention so to do to the secretary of the admiralty, who is to lay the same before the lord high admiral or commissioners of the admiralty; (the receipt of which notice the secretary is required to acknowledge) upon pain of forfeiting £200. to be recovered by action

No pier, &c. to be constructed in or adjoining to any public harbour, without previous notice to the admiralty.

46 Geo. 3. c. 153. U. K.

Penalty.

s. 2. action of debt, &c. But this act (s. 2.) contains a saving
Proviso. for the privileges of the mayor and commonalty, and citi-
 54 Geo. 3. c. 159. zens of the city of London. So much of the 9 Geo. 3. c. 30.
 U. K. Eng. as relates to the harbour moorings of the royal navy,
Admiralty may and so much of the 10 Ann. c. 17. Eng. as relates to the
establish regu- said harbour moorings, are repealed by the 54 Geo. 3.
lations for the c. 159. U. K. which also repeals the 51 Geo. 3. c. 73. E.
preservation of intitled "an act for the better security of his majesty's
the king's moor- "naval arsenals in the river Medway, and Portsmouth,
ings, and for "and Hamoaze harbours, and of his majesty's ships and
mooring private "vessels lying at, and resorting to the same;" and this
ships, &c. statute provides (s. 2.) that it shall be lawful for the lord
 high admiral, or 3 or more of the commissioners for exe-
 cuting the office of lord high admiral of the united king-
 dom, from time to time as occasion shall require, to make
 such rules and orders in writing, under his or their hand
 or hands, or the hand of his or their secretary, as he or
 they shall think proper, for the preservation of his majesty's
 moorings, and for the mooring, anchoring, and placing of
 all private ships of war, transports, and other private and
 merchant ships and vessels, lighters, barges, boats, and
 other craft whatsoever, in all the ports, harbours, havens,
 roads, road-steads, sounds, channels, creeks, bays, and
 navigable rivers of the united kingdom, so far as the tide
 flows and reflows, where or near to which his majesty now
 hath, or where his majesty, his heirs or successors, may
 hereafter have any docks, dock-yards, arsenals, wharfs or
 moorings; and harbour-masters, to be appointed as herein-
 after mentioned, for superintending the same, for the pur-
 pose of insuring free and safe ingress, egress, and regress
 unto, into, to and from the said ports, &c. and to and from
 his majesty's said docks, &c. and for that purpose to di-
 rect such spaces along the sides, over, against, or near to
 such docks, &c. as they shall judge necessary, to be kept
 free and open, and to cause the same to be marked out by
 piles, buoys, or other sufficient marks, and to direct what
 spaces shall be appropriated for the sole purpose of moor-
 ings for his majesty's ships and vessels of war, and hired
 armed ships or vessels in his majesty's service; and also
 to

to specify the distances from his majesty's docks, dock-yards, arsenals, wharfs, moorings, ships, and hulks, within which no private ship of war, transport, or any other private or merchant ship or vessel, &c. or other craft, shall be moored, anchored or placed, and for any other the purposes herein-after mentioned; and from time to time to vary such rules; and also from time to time to appoint proper persons, to be called "the king's harbour-masters," to superintend such ports, &c. for the purposes aforesaid, and to enforce obedience to all such rules, &c; all which said rules, &c. shall, upon the making thereof, and also from time to time whenever the same shall be varied, be forthwith printed and published in the London Gazette, and being also printed and put upon pasteboard, shall be constantly kept hung up in some conspicuous part of the custom house, or other place of public resort for business, in the port, &c. for which the same shall be made, or where the same shall be directed to be in force, to the intent that the same may be seen and read, and copies or extracts taken therefrom by all persons interested therein. This statute provides that no private ship, &c. shall be fastened to any of his majesty's moorings, &c. unless forced thereto by stress of weather, &c. under a penalty of £10 for every tide which such ship, &c. shall remain so moored; and empowers the harbour-master or any officer belonging to any of his majesty's ships or vessels of war, &c. to remove the same to some proper place beyond such distances as aforesaid; and also provides for the appointing of proper places for breaming ships and leaving and receiving gunpowder; and imposes penalties on the offences of breaming ships except at appointed places, and on keeping guns shotted, &c. in any of such ports, &c. and authorizes the harbour-master, &c. to enter private ships to search for gunpowder, guns shotted, &c; and, further, imposes a penalty of £10 upon persons throwing, &c. ballast or rubbish, &c. into any of such ports, &c. and prescribes the manner in which ships may unlade their ballast, or take it in from the shore, in such port, &c. and contains provisions respecting the sweeping for

s. 3. to 28.

Penalties for private ships, &c. fastening to his majesty's moorings, &c. and for other obstructions, &c.

s. 28.
*Proviso as to
 rights of corpo-
 rations, &c.*

for anchors, &c. and raising of ships, &c. sunk or stranded in such ports, &c: and this act regulates the form of proceeding for the recovery of the penalties hereby imposed; and lastly provides (s. 28.) that nothing in this act shall prejudice, alter, &c. any right of property, privilege, or jurisdiction, or any powers of conservancy held or enjoyed by any body corporate, or by any person, in, to, upon, or over any of the ports, &c. or navigable rivers of the united kingdom, or to the banks, shores, or sides thereof; or to repeal any of the provisions contained in any act which may have been passed for the regulation of any river, port, or harbour, in the united kingdom, or the shipping frequenting the same, except such acts or provisions as are expressly repealed by this act.

*Weights and
 measures.*

55 Geo.3. c.43.
 E. W.

The 55 Geo. 3. c. 43. E. & W. which also respects the king's prerogative as the arbiter of domestic commerce, and which provides for the purchasing of proper measures, duly marked according to the standard of the exchequer, for the use of the respective counties, &c. and towns corporate of England and Wales, will be found in another part in this supplement.

*Prerogative of
 coining.*

56 Geo.3. c.68.
 U. K.

I shall also reserve for another place, the 56 Geo. 3. c. 68. U.K. which provides for a new silver coinage, and regulates the currency of the gold and silver coin of this realm, which might be referred to this head "of the king's prerogative."

Of the King's Revenue.

*His Majesty em-
 powered to de-
 mise crown
 lands for build-
 ing on, &c.*

52 Geo.3. c.161.
 U. K.

P. 175. l. 39. The 52 Geo. 3. c. 161. U. K. is an act enabling the king to demise or grant any land or ground belonging to the crown, within the ordering or survey of the duchy of Lancaster, for the erection of houses or other buildings, and for gardens, yards, &c. to be used therewith, as also any tenements or hereditaments the greatest part of the yearly value whereof shall consist of any building or buildings thereon, under the seal of the duchy of Lancaster,

Lancaster, for such term and at such rent as herein mentioned. And this act also empowers the king to demise or grant any land or ground within the ordering and survey of the exchequer, and of the duchy of Lancaster, fit for gardens, yards, &c. to be occupied with any houses or buildings erected upon ground belonging to the crown. And this act empowers the lord high treasurer or commissioners of the treasury to authorize the commissioners of his majesty's woods, forests, and land revenues, or the surveyor general of his majesty's woods and forests, on the behalf of the king, to grant any of the waste or other lands within any of said forests, in exchange for any other lands in or adjoining to the same forest, being fit and proper for the growth of timber, and conveniently situated for that purpose; and the lord high treasurer, or commissioners of the treasury, are hereby also empowered to authorize the sale of small parcels of land within any of the royal forests, which are intermixed with, adjoining, contiguous or convenient to, or surrounded by the lands of individuals, and which are of little or no value to the crown for the growth of timber. And for the further improvement of the land revenue of the crown, the 54 Geo. 3. c. 70. U. K. provides, that the monies arising from the sale of any manors or lordships belonging to the crown, which consist of manorial rights and quit rents, without any lands, or with very small quantities of land belonging to them, and of manors or lands of which his majesty is not the sole proprietor, but is entitled to an undivided share jointly with individuals, and of lands dispersed in small quantities and intermixed with the property of individuals, and lying remote from other property belonging to the crown, and any other hereditaments authorized by the 48 Geo. 3. c. 73. s. 11. E. to be sold, shall be paid into the bank, and placed to the account of the "Navy timber nursery fund." And this act empowers bodies corporate, tenants for life, committees, guardians, and trustees, &c. to convey lands to his majesty, to be appropriated to the growth of timber, &c. And the 55 Geo. 3. c. 55. U. K. is an act to enable the commissioners of his majesty's woods, forests, and land revenues, to contract for the purchase and surrender of the crown

*Or exchange
lands, in or ad-
joining forests.*

*Or sell small
parcels inter-
mixed, &c. with
lands of indivi-
duals.*

*54 Geo. 3. c. 70.
U. K.*

*Monies arising
from sale of
crown lands, &c.
placed to credit
of "Navy timber
nursery fund."*

*55 Geo. 3. c. 55.
U. K.*

*Leases held un-
der crown pur-
chased, &c.*

- crown leases, and to sell his majesty's interest in certain small parcels of land belonging to his majesty's subjects within the royal forests. And by the 57 Geo. 3. c. 97. U. K. the commissioners of his majesty's woods, &c. are empowered to purchase lands, &c. on behalf of the crown, lying adjacent to the royal forests, or other extensive properties of the crown; and, on the other hand, to sell any parts of the crown lands which shall, in their judgment, be desirable to be sold, to create a fund for the purchase of the estates so to be bought on behalf of the crown. The 56 Geo. 3. c. 128. E. may be here also referred to, which recites, that many corporate and other public bodies, and many societies for the promotion of the arts, or of literature or knowledge, or for charitable or other useful purposes, are frequently desirous of erecting buildings for the transacting and carrying on the several useful purposes in which they are engaged; and therefore enables the king to grant any lands, &c. within the survey of the court of exchequer in England, situate within the bills of mortality, in order to be appropriated as a scite for erecting any building for any of the purposes aforesaid, or to be used as a curtilage, or for an access to any such building, or as an easement, &c. thereto, or for cemeteries or burial grounds. And the commissioners of his majesty's woods, forests, and land revenues, are invested with divers powers in respect of the estate and land revenue of the crown, for the purpose of making a more convenient communication from Mary-le-bone Park, and the northern parts of the metropolis, to Charing Cross, Westminster, by the 53 Geo. 3. c. 121. E. and 57 Geo. 3. c. 97 & c. 98. E.
- 57 Geo. 3. c. 97. U. K. Lands adjacent to forests, &c. purchased.*
- Crown lands sold.*
- 56 Geo. 3. c. 128. E. King may grant lands within bills of mortality as scites for public buildings &c.*
- 53 Geo. 3. c. 121. E. 57 Geo. 3. c. 97. & 98. E. Crown lands alienated for improvement of Westminster.*
- P. 187. l. 31. The 51 Geo. 3. c. 91. I. which authorizes the court of exchequer, upon petition, to discharge any lands, &c. from quit, crown, and composition rents, incurred previous to 29 September 1810, except where proceedings had been had within 20 years, and in such case to discharge the arrears of such rents to 29 September 1804, is amended by the 56 Geo. 3. c. 71. I. which further provides, that such petitioners shall pay such costs and expenses as shall be certified by the auditor general, to have been incurred by or on behalf of the king for the recovery of such rents.*
- P. 188.*

P. 188. *l.* 25. The 38 Geo. 3. c. 50. Ir. here referred to, is repealed by the 57 Geo. 3. c. 56. I. which will be stated in another place.

Forfeited recognizances.

57 Geo. 3. c. 56. I.

P. 189. last line. By the 55 Geo. 3. c. 134. G. B. the rate which shall be paid by the king, and all claiming royal mines under the crown, in exercising the right of pre-emption given them by the 5 W. & M. c. 6. Eng.* as far as respects any ore wherein there is lead, shall be £25. *per ton* for all ore washed, made clean and merchantable, wherein there is lead, instead of £9. *per ton* as by the 5 W. & M. c. 6. is directed; and such encreased rate shall be paid, subject to the provisions, and according to the regulations contained in the 5 W. & M. c. 6. with regard to the said original rate of £9. *per ton*.

Rate for pre-emption of lead ore altered.

55 Geo. 3. c. 134. G. B.

P. 191. *l.* 22. The 55 Geo. 3. c. 46. E. has amended the 48 Geo. 3. c. 96. E. and contains several provisions for the better care and maintenance of lunatics, being paupers or criminals, in England. And the 56 Geo. 3. c. 117. U. K. has amended the 39 & 40 Geo. 3. c. 94. Eng. "an act for the safe custody of insane persons charged with offences." The 57 Geo. 3. c. 106. I. which provides for the establishment of asylums for the lunatic poor in Ireland, and the 55 Geo. 3. c. 107. I. by virtue of which the Richmond lunatic asylum hath been erected in Dublin, may be here also referred to.

Custody of lunatics.

55 Geo. 3. c. 46. E.

P. 191. last line. The period in which deeds relative to the redemption of the land tax were required to be inrolled or registered by the 50 Geo. 3. c. 58. G. B. was extended by the 52 Geo. 3. c. 80. G. B. And the several acts for the redemption and sale of the land tax, are explained, amended, and rendered more effectual by the 53 Geo. 3. c. 123. & c. 142. G. B. and by the 54 Geo. 3. c. 173. G. B. and 57 Geo. 3. c. 100. G. B.

Land tax.

P. 192. *l.* 19. The 57 Geo. 3. c. 5. E. & W. is the last act continuing the temporary duties upon malt: but the 52 Geo. 3. c. 128. G. B. as amended by the 53 Geo. 3. c. 9. G. B. contains permanent provisions for better securing the duties on malt. The duties of excise in Ireland on

Malt tax.

* The framer of this act was probably not aware that the 4 Ann. c. 12. Ir. gave the crown the same right of pre-emption of ore in Ireland.

malt are defined by the 55 Geo. 3. c. 62. I. and 56 Geo. 3. c. 59. I. and the last acts which provide for the better and more secure collection of these duties are the 52 Geo. 3. c. 97. I. 53 Geo. 3. c. 74. I. 54 Geo. 3. c. 88 & 120. I. and 55 Geo. 3. c. 99 & 151. I.

Principal statutes relating to the duties of customs.

General imports and exports.

East India goods.

Goods derelict, &c.

P. 196. *l.* 3. Several statutes have been passed within the last six sessions, relating to the law of customs or port duties upon goods, wares and merchandizes, exported, imported, or carried coastwise, for which I must refer to the compilations of other authors, as it must appear to be incompatible with the plan of this work, to enter into any detail of the revenue laws, when, according to a late writer upon this subject, * the number of statutes during the present reign relating to the laws of the customs alone, to the 53d year inclusive, amounts to nearly thirteen hundred; but it may be here observed, that the most important alterations, since the passing of the consolidation act 49 Geo. 3. c. 98. G. B. have been made by the 53 Geo. 3. c. 33. G. B. which grants additional duties upon the imports and exports of Great Britain; and by the 56 Geo. 3. c. 29. G. B. which perpetuates certain temporary or war duties of customs specified in the 49 Geo. 3. c. 98. G. B. and which were continued by the 55 Geo. 3. c. 33. G. B. and with respect to Ireland by the 54 Geo. 3. c. 129. I. † and 55 Geo. 3. chapters 24. 36. 82. & 83. I. which grant to his majesty rates and duties, and allow drawbacks and bounties on certain goods, &c. imported into and exported from Ireland, in lieu of former rates, duties, drawbacks and bounties. And the duties of customs on goods imported into Great Britain and Ireland, from any port or place within the limits of the charter granted to the united company of merchants of England trading to the East Indies, are levied by virtue of the 54 Geo. 3. c. 36. G. B. and 54 Geo. 3. c. 103. I. The 52 Geo. 3. c. 159. G. B. which charges foreign liquors and tobacco derelict, jetsam, flotsam, lagan, or wreck, brought or coming into Great Britain, with the duties payable on importation of such liquors and tobacco, and the

* Mr. Jickling author of the digest of the laws of the customs.

† This act grants, permanently, the duties which before were annual.

the 54 Geo. 3. c. 81. I. which extends this provision to Ireland, may be here also referred to. And it may not be unworthy of remark, that the 42 Geo. 3. c. 43. G. B. and 49 Geo. 3. c. 98. G. B. by which goods brought into Great Britain and condemned as prize, or as droits of admiralty, except ships of war, &c. are permanently made liable to the duties of customs, were extended to Ireland, by the 55 Geo. 3. c. 44. I. which expired on the 25th March 1816. The tonnage duty in Great Britain is regulated by the consolidation act 49 Geo. 3. c. 98. G. B. But in Ireland this duty is defined by the 52 Geo. 3. c. 115. I. which appropriates it to the maintenance of light houses and floating lights round the coasts of Ireland. It remains only to observe, that an important change has been made in the system of revenue regulations, by the several statutes relative to the warehousing scheme, which postpones, in favour of the importer (and consequently of the consumer) the time of paying the duties, and which, by allowing exportation from the warehouse, without the payment of any duty, is adapted to promote the carrying and export trade. The principal statutes relative to this subject are, with respect to Great Britain, the 43 Geo. 3. c. 132. G. B. which immediately related to the port of London, but which contained a provision authorizing his majesty, by his order in council, to extend the benefit of this act to any of the outports: and this act was followed by the 45 Geo. 3. c. 87. G. B. 46 Geo. 3. c. 137. G. B. which gave to the commissioners of the treasury the power to extend the liberty of warehousing goods to ports not provided with legal docks, &c. and by the 50 Geo. 3. c. 64. G. B. and 52 Geo. 3. c. 142. G. B. which provided for removing goods warehoused to another warehousing port in Great Britain for exportation, and from one bonding warehouse to another in the same port; which acts are amended by the 57 Geo. 3. c. 116. G. B. And the benefits of this warehousing scheme have been extended to Ireland by the 48 Geo. 3. c. 32. I. 50 Geo. 3. c. 38. I. 52 Geo. 3. c. 76. I. 55 Geo. 3. c. 82. I. and 56 Geo. 3. c. 20. I.

P. 196. l. 16. The principal alterations made within the last six sessions in respect to the duties of excise in

Duties of excise in Great Britain.

Great

*Inland excise in
Ireland.*

Great Britain, have been by the 55 Geo. 3. c. 142. U. K. which relates to auctions; by the 54 Geo. 3. c. 97. G. B. and 57 Geo. 3. c. 32. & 119. G. B. respecting glass bottles, and stone bottles; by the 52 Geo. 3. c. 94. G. B. and 56 Geo. 3. c. 1. G. B. concerning the duties on glass; 52 Geo. 3. c. 94. G. B. and 55 Geo. 3. c. 102. G. B. which relate to hides and skins; 55 Geo. 3. c. 30. G. B. and 56 Geo. 3. c. 113. G. B. respecting licenses; 56 Geo. 3. c. 103. G. B. which relates to the duty on paper; 57 Geo. 3. c. 49. G. B. which concerns the excise duty on * salt; 56 Geo. 3. c. 44. G. B. concerning soap; 57 Geo. 3. c. 123. E. relating to spirits; 55 Geo. 3. c. 30. G. B. and 57 Geo. 3. c. 111. G. B. respecting sweets or made wines; 52 Geo. 3. c. 94. G. B. 53 Geo. 3. c. 34. G. B. and 55 Geo. 3. c. 30. G. B. relative to tobacco and snuff; and 53 Geo. 3. c. 34. G. B. and 54 Geo. 3. c. 121. G. B. which respect the duties of excise on wine. The inland duties of excise in Ireland are still levied by virtue of the 47 Geo. 3. st. 1. c. 18. I. upon glass bottles, leather, metheglin or mead, paper manufacture, and paper hangings, vellum or parchment, and upon vinegar; but they are levied upon auctions, under the 54 Geo. 3. c. 82. I. and 55 Geo. 3. c. 142. U. K. upon malt by the 55 Geo. 3. c. 62. I. and 56 Geo. 3. c. 59. I. upon corn spirits by the 50 Geo. 3. c. 15. I. 52 Geo. 3. c. 46. I. and 53 Geo. 3. c. 94. I. and upon sugar spirits, by the 48 Geo. 3. c. 78. I. upon sweets or made wines by the 55 Geo. 3. c. 110. I. and on tobacco by virtue of the 53 Geo. 3. c. 57. & 73. I. and 55 Geo. 3. c. 35. I. The duties upon cards and dice, which were excisable articles under the 47 Geo. 3. st. 1. c. 18. I. are transferred to the management of the commissioners of stamps by the 55 Geo. 3. c. 78. & 101. I. and on the other hand, the stamp duties granted on licenses to traders, by the 52 Geo. 3. c. 87. I. and 53 Geo. 3. c. 137. I. are repealed by the 55 Geo. 3. c. 19. I. which grants the duties of excise now levied upon licenses for the sale of spirituous liquors, and other liquors, by retail, and upon licenses to persons dealing in excisable commodities

* The 58 Geo. 3. c. 89. Eng. was the first act which transferred the management of the salt duties to the commissioners of excise.

modities in Ireland, and authorizes the commissioners of excise to grant such licenses. Several statutes have been also passed within the last six sessions, for the better securing and regulating the collection of the duties of excise in Great Britain and Ireland respectively.

P. 196. l. 34. Additional rates of postage in Great Bri- *Postage duties.*
tain have been granted by the 52 Geo. 3. c. 88. G. B. and 55 Geo. 3. c. 153. G. B. And the 54 Geo. 3. c. 119. I. has repealed the duties upon letters and packets sent by the post within Ireland, and granted other duties in lieu thereof: and the 55 Geo. 3. c. 103. I. regulates the postage of ship letters to and from Ireland.

P. 197. l. 4. Some alterations have been made in the *Stamp duties.*
stamp duties of Great Britain, by the 52 Geo. 3. c. 150. G. B. 53 Geo. 3. c. 108. G. B. and 54 Geo. 3. c. 133. & 144. G. B. and 56 Geo. 3. c. 107. S. but, principally, by the 55 Geo. 3. c. 184. & 185. G. B. And in Ireland all stamp duties are now imposed, and their collection and management regulated by the 54 Geo. 3. c. 92. I. 55 Geo. 3. c. 80. I. 55 Geo. 3. c. 100. & 101. I. and 56 Geo. 3. c. 56. I.

P. 197. l. 15. The 52 Geo. 3. c. 108. G. B. amends the *Hawkers and pedlers licenses.*
50 Geo. 3. c. 41. G. B. which placed the duties of hawkers and pedlers under the management of the commissioners of hackney coaches. And the 55 Geo. 3. c. 71. S. establishes commissioners for granting licences to hawkers and pedlers in Scotland. And the 54 Geo. 3. c. 147. E. 55 Geo. 3. c. 159. E. and 57 Geo. 3. c. 125. E. authorize the lisensing a limited number of hackney chariots, and of carriages drawn by one horse, in lieu of hackney coaches, *Licenses for hackney coaches &c.*
the number of which these acts provide for reducing.

P. 199. l. 13. By the 52 Geo. 3. c. 93. G. B. new and *Assessed taxes of Great Britain.*
additional duties of assessed taxes are granted, and consolidated with the former duties of assessed taxes. And the 57 Geo. 3. c. 25. G. B. has explained and amended the 48 Geo. 3. c. 55. G. B. The 56 Geo. 3. c. 66. G. B. has made a temporary reduction in the duties payable on horses used for the purpose of husbandry. And the 57 Geo. 3. c. 128. S. has extended the exemptions from the duties payable under the 48 Geo. 3. c. 55. in respect to dwelling
houses

Inland taxes of houses in Scotland. The inland taxes in Ireland in respect of fire hearths, windows, male servants, horses, carriages, and dogs, are levied by virtue of the 56 Geo. 3. c. 57. I. which grants certain rates in lieu of the former duties, and provides for the more effectual collection of them.

War taxes.

P. 199. l. 30. The duties of customs, under the title and description of temporary or war duties, which were granted to the king, upon goods, wares, and merchandizes imported into Great Britain, by the 49 Geo. 3. c. 98. G. B. and which were continued until 5 July 1816, by the 55 Geo. 3. c. 33. G. B. are made perpetual by the 56 Geo. 3. c. 20. G. B. which also charges on the duties of customs hereby made perpetual, the loans made for the service of the years 1807, 1809, and 1811, and which, by the 47 Geo. 3. st. 1. c. 55. 49 Geo. 3. c. 92. and 51 Geo. 3. c. 61. were made chargeable on the said war duties.

Property tax.

P. 200. l. 5. The statutes 43 Geo. 3. c. 122. G. B. 45 Geo. 3. c. 15. G. B. 46 Geo. 3. c. 65. G. B. and 55 Geo. 3. c. 53. G. B. which granted the duties on the profits arising from property, professions, trades, and offices, were explained and amended by the 56 Geo. 3. c. 65. G. B. but these duties expired on the 5th day of April 1816.

Duties upon offices, &c.

P. 200. l. 12. Some alterations have been made in respect to the duties upon offices and pensions, by the 52 Geo. 3. c. 56, 95, & 131. G. B.

Pells and poundage, &c.

P. 200. l. 29. It is one of the provisions of the 54 Geo. 3. c. 83. I. that the fees of pells and poundage chargeable on certain issues from the exchequer of Ireland, should be carried to the credit of the public, in the account of the consolidated fund of Ireland, and that the fees called treasury fees should, in like manner, be carried to the credit of the public.

Lotteries.

P. 201. l. 3. The 57 Geo. 3. c. 31. U. K. is the last act for granting to his majesty a sum of money to be raised by lotteries.

Consolidated funds of Great Britain and

P. 203. l. 16. To unite and consolidate into one fund all the public revenues of Great Britain and Ireland, and to provide for the application thereof to the general service

vice

vice of the united kingdom, the 56 Geo. 3. c. 98. U. K. *Ireland shall become one consolidated fund.*
 provides, that after the 5th January, 1817, all rates, du-
 ties, taxes, receipts, sums of money, and revenues, of *56 Geo. 3. c. 98. U. K.*
 what nature or kind soever, which, by virtue of any act
 in force in Great Britain or Ireland, immediately before
 5 January, 1817, shall constitute or form part of, or be
 directed to be carried to the several funds called the con-
 solidated fund of Great Britain, and the consolidated fund
 of Ireland, respectively, shall be carried to and form one
 general fund, to be called the consolidated fund of the
 united kingdom of Great Britain and Ireland; and the
 said consolidated fund, whether the same or any part
 thereof shall be in the exchequer of Great Britain or in
 the exchequer of Ireland, shall, in the first place, be
 charged with, and, from time to time, be applied indiscri-
 minately to the payment of the whole of the interest of the
 national debts of Great Britain and Ireland, and the sink-
 ing funds applicable to the reduction thereof, as one joint
 consolidated national debt, interest, and sinking fund;
 and, in the next place, the said consolidated fund of the
 united kingdom shall be in like manner chargeable with,
 and be applied in payment of the salaries and other
 charges of his majesty's civil list establishments in Great
 Britain and Ireland; and, in the next place, be applied in
 payment of all other charges made payable out of the
 consolidated funds of Great Britain or Ireland respec-
 tively, under any act in force immediately before the said
 5th January, 1817; and after payment of all the afore-
 said charges, the said consolidated fund of the united
 kingdom shall be in like manner indiscriminately applied
 to the service of the united kingdom, or any part thereof,
 as shall be directed by parliament, and shall be issued in
 manner herein-after directed. And by s. 2. after 5 Janu-
 ary, 1817, the offices of lord high treasurer of Great *Offices of trea-
 surer of Great
 Britain and of
 Ireland united.*
 Britain and lord high treasurer of Ireland shall be united
 into one office, and the person holding the same shall be
 called lord high treasurer of the united kingdom of Great
 Britain and Ireland; and whenever there shall not be
 any such lord high treasurer, it shall be lawful for his ma-
 jesty,

May be executed by commissioners.

Officers of the revenue subject to the orders of the treasury.

s. 3.

The words "Commissioners of his majesty's treasury, &c." shall apply to commissioners for executing the offices of treasurer of the exchequer of Great Britain, and treasurer of Ireland.

s. 4.

A vice treasurer appointed for Ireland.

jesty, by letters patent under the great seal of Great Britain, to appoint commissioners for executing the offices of treasurer of the exchequer of Great Britain and lord high treasurer of Ireland; and such commissioners shall be called commissioners of his majesty's treasury of the united kingdom, &c. and the said commissioners shall have all such powers, &c. through the whole of the united kingdom, with respect to the collection, issuing, and application of the whole revenues of the united kingdom, as at the time of passing this act (1st July, 1816) and immediately before the 5th January, 1817, are or may be vested in the commissioners of the treasury in Great Britain or Ireland respectively; save so far as such powers, &c. may be altered by this act; and all officers and other persons employed in the collection or management of the revenues in and through every part of the united kingdom, shall be in all respects subject to the orders of the said lord high treasurer or commissioners of his majesty's treasury of the united kingdom; and shall be liable to all such penalties and punishments for disobedience of such orders, as they would be subject to under any acts, laws or usages, with respect to the powers of the commissioners of the treasury, in force in Great Britain and Ireland respectively, at the time of the passing of this act, and immediately before the 5th January, 1817.

By s. 3. wherever in this act, or in any future act, the words "commissioners of his majesty's treasury," or "commissioners of his majesty's treasury of the united kingdom of Great Britain and Ireland," are or shall be used, the same shall be construed to extend and apply to the commissioners for executing the offices of treasurer of the exchequer of Great Britain and lord high treasurer of Ireland, whenever such commission shall be in force; and all acts which at any time shall have been done, or shall or may be done, by the commissioners of his majesty's treasury in Great Britain or Ireland, or the united kingdom respectively, by virtue of any law, &c. in force before the passing of this act, shall be good to all intents, notwithstanding any error or omission in the names or descriptions whereby any such commissioners of the treasury shall have been known. This act provides (s. 4.) that for the

the purposes of issuing out of the exchequer of Ireland all sums which shall be paid into the same, by virtue of the several acts which now are or hereafter may be in force in Ireland for that purpose, or which shall be paid into the same out of the general revenue of the united kingdom, under the orders of the commissioners of his majesty's treasury of the united kingdom, it shall be lawful for the king, from time to time, by letters patent under the great seal of Ireland, to appoint a vice treasurer for Ireland, with a yearly salary not exceeding £2000 British sterling, payable out of the revenue appropriated to his majesty's civil list establishment in Ireland. And by s. 14. in consequence of the increase of business which will result from the provisions of this act, it shall be lawful for his majesty to appoint two persons to be commissioners of his majesty's treasury of the united kingdom, in addition to the number of commissioners which may now by law be appointed for executing the office of treasurer of the exchequer of Great Britain, with a yearly salary for each, not exceeding what is now received by each of the said commissioners, &c. to be paid to such 2 commissioners out of the revenues appropriated to his majesty's civil list establishment in Ireland, any thing in the 6th Ann. c. 7. Eng. or in any other act to the contrary notwithstanding. This act also prescribes the mode of issuing money from the treasury of Ireland, unites the boards of commissioners for the reduction of the national debt of Great Britain and Ireland respectively, and contains various provisions in respect to the annual and quarterly accounts, and weekly abstracts required to be furnished, respecting the receipts and issues of the treasury of Great Britain and Ireland. The clauses respecting the acquittal of public accountants will be stated in another place. The 57 Geo. 3. c. 48. U. K. makes further provision for the adjustment of the accounts of the consolidated fund of the united kingdom, and for making good any occasional deficiency which may arise in the said fund in Great Britain or Ireland respectively; and directs the application of monies by the commissioners for the reduction

s. 14.

Two additional commissioners of the treasury to be appointed for Irish business.

Other provisions of this act.

57 Geo. 3. c. 48. U. K.

Accounts of consolidated funds of U. K. further adjusted.

of

57 Geo.3.c.79. of the national debt. And the 57 Geo. 3. c. 79. U. K. is U. K.

*Transfer from
British to Irish
funds permitted.*

*Time of paying
interest, &c. al-
tered.*

Civil list.

an act to permit the transfer of capital from the stocks or funds in Great Britain to the stocks, &c. in Ireland; and this act alters the times in which the dividends or interest payable on the Irish 5 per cent annuities and debentures, were theretofore payable.

P. 208. l. 17. The 56 Geo. 3. c. 46. U. K. provides for the defraying out of the consolidated fund, several of the charges which had theretofore been borne upon the civil list revenues; and also for the making distinct appropriations of certain proportions of the civil list revenues, for the payment of certain charges comprised in the several classes of the civil list; and also makes further and more effectual provision for the regulation and control of the expenditure thereof.

Pensions.

P. 209. l. 26. The 57 Geo. 3. c. 65. U. K. enables his majesty to recompense the services of persons holding, or who have held, certain high and efficient civil offices, by granting pensions according to a graduated scale contained in this act.

Of Subordinate Magistrates.

*Sheriffs entitled
to a discount of
£6. per cent.
upon any pub-
lic money paid
into the exche-
quer, before they
are bound to
make such pay-
ment.*

57 Geo.3.c.68.
s.4. I.

s. 5.

*Sheriffs liable to
interest after*

P. 218. l. 25. The 57 Geo 3. c. 68. I. provides, (s. 4.) that it shall be lawful for any sheriff, or any person who shall have been sheriff in Ireland, to pay into the exchequer of Ireland, at any time before such sheriff shall by law be required so to do, any sum of money which he shall think proper, on account of any revenue which it shall be his duty to collect, receive, or account for; and in such case he shall be entitled to obtain an acquittance from the proper officer for the sum so paid, and shall be entitled to credit for the same, and for interest by way of discount out of the sum so paid, at the rate of £6 per cent. per annum, from the time of such payment, until the time when by act of parliament, or by the course of the court, such sheriff ought to pay the same. And by s. 5. when any attachment shall be sealed in the court of exchequer of Ireland

Ireland, against any sheriff, or person who shall have been sheriff, for *not accounting*, such sheriff shall pay legal interest on every sum of public money with which he shall be chargeable, so long as such sum shall remain unpaid; and from the time when any attachment shall be so sealed against any sheriff, &c. for the *non-payment* of any public money, such sheriff shall pay double the legal interest on such sum till payment; and the payment of such interest, and double interest, shall be enforced in the same manner as the payment of the principal sum.

attachment sealed for not accounting.

Double interest for non-payment.

P. 224. l. 1. It was omitted to state in this place the clause of the 1 Hen. 5. c. 4. E. & I. which provides, that no under-sheriff, sheriff's clerk, receiver, nor sheriff's bailiff, shall be attorney in the king's courts, during the time that he is in office with any such sheriff. And the 22 Geo. 2. c. 46. s. 14. Eng. which will be found in another place, (vol. II. p. 20.) also prohibits under-sheriffs from acting as solicitors, attornies or agents, or suing on any process, at any general or quarter session of their respective counties, upon pain of £50.

Sub-sheriffs, &c. not to practise as attornies in king's courts.

1 Hen. 5. c. 4. E. & I.

22 Geo. 2. c. 46. s. 14. Eng.

Or at sessions.

P. 226. l. 9. The 52 Geo. 3. c. 160. E. & W. enables justices of the peace to order parochial relief to prisoners confined under mesne process for debt, in such gaols as are not county gaols.

Poor prisoners.

52 Geo. 3. c. 160. E. & W.

P. 227. l. 34. The 55 Geo. 3. c. 48. E. & W. enlarges the powers contained in the 13 Geo. 3. c. 58. Eng. and 22 Geo. 3. c. 64. Eng. for providing clergymen to officiate in gaols in England and Wales; and extends the provisions of the 13 Geo. 3. c. 58. to houses of correction.

Clergymen officiating in gaols, &c.

55 Geo. 3. c. 48. E. & W.

P. 230. l. 11. By the 55 Geo. 3. c. 50. E. explained and amended by the 56 Geo. 3. c. 116. all fees and gratuities paid or payable by any prisoner, on the entrance, commitment or discharge to or from prison, whether such prison be a gaol or bridewell, and whether such prisoner be a criminal or debtor, are abolished; and these acts provide for making compensation to gaolers, &c. in respect to such fees; and on the other hand provide, that any gaoler who shall exact any fee or gratuity from any prisoner, shall be rendered incapable of holding his office, and be punished by fine and imprisonment. But the king's bench prison, the fleet, the marshalsea and palace courts are excepted.

Gaolers' fees, &c. abolished.

55 Geo. 3. c. 50. E.

56 Geo. 3. c. 116. E.

P. 235.

*Building or re-
pairing of gaols,
&c.*

*55 Geo.3. c.92.
I.*

*57 Geo.3. c.71.
I.*

*The exception
in the 32 Geo.3.
c. 16. Ir. of
districted coun-
ties done away
by the 54 Geo.3.
c. 131. s. 17, l.*

s. 18.

*Constables to
be appointed
according to the
32 Geo.3. c.16.
in the counties
excepted by that
act.*

s. 19.

*Power to 5 jus-
tices at quarter*

P. 235. l. 27. The 55 Geo. 3. c. 92. I. recites the 50 Geo. 3. c. 103. I. * (which consolidates the laws respecting the building and economy of gaols, &c.) and amends this act, so far as concerns contracts for building or repairing such prisons, by regulating the mode of the security to be given by contractors, and the advances of money to them, and the duties of the treasurers of counties in these respects. And the 57 Geo. 3. c. 71. I. contains also some further amendments with respect to the powers of grand juries, and a controlling power vested in the lord lieutenant of Ireland.

P. 256. l. 25. The 27 Geo. 3. c. 40. Ir. under the authority of which several disturbed counties in Ireland were divided into districts, and an extraordinary police therein established, and which act was continued to the 25th March 1815, by the 54 Geo. 3. c. 33. I. has been suffered to expire. And the 54 Geo. 3. c. 131. s. 17. I. recites, that by the 32 Geo. 3. c. 16. Ir. (vol. 1. p. 254.) grand jurors in Ireland are empowered to appoint constables for the several baronies in their respective counties, in manner therein mentioned, but are not empowered to make such appointment in any county divided into districts, pursuant to the provisions of the 27 Geo. 3. c. 40. such counties being in that respect excepted in the 32 Geo. 3. c. 16. by reason whereof there may be a failure of constables in such counties; and therefore enacts, that it shall be lawful for every grand jury in Ireland, to appoint constables for the several baronies therein, according to the provisions of the 32 Geo. 3. c. 16. notwithstanding such division into districts, in the same manner as if such division did not exist.

And by s. 18. such constables so appointed, shall commence to be constables as soon as such county shall cease to be so divided into districts, whether the same shall happen by the repeal or expiration of the 27 Geo. 3. c. 40. or otherwise, and not sooner; and such constables so appointed shall have all the powers and advantages, and be subject to all the regulations and restrictions, in the 32 Geo. 3. c. 16. And by this act s. 19. a power is given to

* *Vide* Addenda I. P. 15.

to any 5 justices of the peace for any county, county of a city, or county of a town in Ireland, at any general quarter sessions, or general sessions of the peace, duly assembled, to appoint any number of proper persons to act as constables in and for such county, &c. in addition to any other constables appointed by law; and such constables shall then and there take such oath as is required from constables in other cases, and shall have all the powers of constables, but shall not be allowed any salary; and the power of such constables shall continue only for 12 calendar months, unless they shall be re-appointed or continued at some ensuing general quarter sessions or general sessions, in which case the power of such constables shall continue for a further term of 12 calendar months: provided that in case of such re-appointment, it shall not be necessary for any such constables to be re-sworn, unless the magistrates then present shall so direct; and provided also that any such constable may be removed, at any general quarter sessions or general sessions after such appointment or re-appointment.

sessions, &c. to appoint extra constables who are to take the usual oaths, but not to receive pay.

To act for a year; but may be continued or removed at quarter sessions, &c.

And for the better execution of the laws in Ireland, by appointing superintending magistrates, and additional constables in counties, in certain cases, where the ordinary police hath been found insufficient, the 54 Geo. 3. c. 131. I. further provides, that it shall be lawful for the lord lieutenant, by the advice of the privy council of Ireland, to declare, by proclamation, that any county, county of a city, or county of a town in Ireland, or any barony or half barony in any county at large, is in a state of disturbance, and requires an extraordinary establishment of police, and thereupon, by warrant under hand and seal, to appoint one chief magistrate of police for such county, barony, or half barony,* not exceeding one chief magistrate for each barony or half barony; and the lord lieutenant may remove any such chief magistrate, and upon such or any vacancy appoint another, either according to the same arrangement, or any other which he shall think proper. And by s. 2. such chief magistrate shall forthwith take the oaths † required to be taken by

Chief magistrates of police appointed in counties, &c. proclaimed as disturbed.

54 Geo. 3. c. 131. I.

s. 2.

Such chief magistrates to take the oaths, and

* *Vide 55 Geo. 3. c. 13. s. 1. & 2. post.*

† *Vide 55 Geo. 3. c. 13. s. 4. post.*

*have the powers
of ordinary jus-
tices of peace :*

s. 3.

*And reside in
the county, &c.
where appoint-
ed.*

s. 5.

*Resident justi-
ces to be aiding
the chief magis-
trate, and to de-
liver in exami-
nations, &c.*

s. 4.

*Salary, &c. to
chief magis-
trate.*

s. 6.

*Clerks, and
chief and sub-
constables how
appointed.*

magistrates in Ireland, and shall, thereupon, without further appointment or commission, be to all intents a justice of peace in, of, and for the county, for which, or for any part of which, he shall be so appointed chief magistrate, and for every county adjoining thereto, in such part of such adjoining county as shall be within 7 miles of such disturbed district. And by s. 3. every such chief magistrate shall be resident in such county, district, barony, or half barony, * and not depart therefrom, without the previous permission of the lord lieutenant, (signified to him in writing by the chief secretary, or, in his absence, by the under secretary for the civil department,) unless in and for the immediate and urgent execution of his duty as chief magistrate. By s. 5. every justice of the peace resident in such county or district shall be aiding, in such his capacity of justice, to such chief magistrate, and shall, during the residence of such chief magistrate, deliver or cause to be delivered, to such chief magistrate, as speedily as the case will admit of, every examination, information or intelligence, which he shall take or receive, concerning any offence committed or intended to be committed within such county or district. By s. 4. every such chief magistrate, while he shall hold said office, shall receive a yearly salary of £700. and rateably for any lesser period; and shall have a suitable house, furniture, and outhouses within the county or place for which he shall be so appointed, and, (in or adjoining to such house,) a suitable office for the discharge of his business, such house, &c. to be directed and approved by the lord lieutenant. By s. 6. it shall be lawful for the lord lieutenant to appoint, for the aid of such magistrate, and to remove at his pleasure, a clerk, and also a chief constable, and any number of sub-constables not exceeding 50; and to order such arms and accoutrements to be delivered to such chief and sub-constables, and, also, such horses, saddles and bridles, for the same, as occasion may require; and such constables shall attend such chief magistrate, and execute his lawful warrants and commands, and shall not attend any

* *Vide 55 Geo. 3. c. 15. s. 3. post.*

any other magistrate of such county, unless by the express orders of such chief magistrate. And by s. 7. there shall be paid to every such clerk, a salary not exceeding the rate of £150. by the year; and to every such petty constable, a salary not exceeding £50. by the year; and suitable lodgings shall be provided for them, if thought necessary by the lord lieutenant. By s. 8. every such chief magistrate shall, once in every week, and oftener if necessary, make a return in writing, signed by himself, to the lord lieutenant, setting forth an accurate account of the county or place for which he shall be so appointed, and of the several measures taken by him, or with his knowledge or privity, for the preservation or restoration of peace and good order therein, and of the conduct of the chief and sub-constables under his command, and of all other persons, so far as the same may contribute to the restoration, &c. of the peace, &c. And by s. 9. it shall be lawful for the lord lieutenant, by the advice of the privy council of Ireland, to declare, by proclamation, that such county, &c. so proclaimed, is restored to peace and good order; and if such declaration shall extend to the whole county, or to all such parts as had been so proclaimed, then the office of every such chief magistrate, clerk, chief and sub-constable, shall cease; but if any part shall remain in a state of disturbance, then every such chief magistrate, clerk, chief and sub-constable, shall continue to act for such barony or half barony, unless otherwise ordered by the lord lieutenant; and every such chief magistrate who shall not have any disturbed barony or half barony within his district, and every clerk, and chief and sub-constable under him, shall, forthwith, cease to hold such office: provided that it shall be lawful for the lord lieutenant to reduce the number of constables in every such disturbed district, from time to time, as shall seem expedient, before such district shall be fully restored to peace, &c. And by s. 10. whenever any county, barony or half barony, proclaimed, &c. under this act, shall be restored to peace, &c. within 12 calendar months from its being so proclaimed, &c. it shall be lawful for the lord lieutenant to direct, that for any time

s. 7.

Salaries to clerks and constables.

s. 8.

Weekly returns to be made of the state of such proclaimed counties, &c.

s. 9.

Lord lieutenant to declare by proclamation when county, &c. is restored to peace, &c.

s. 10.

Rateable proportion of salaries to chief magistrates, &c. where county is reduced to order.

(not exceeding 3 calendar months,) within which such county, &c. shall be declared to be restored to peace, &c. there shall be paid to the chief magistrate any sum not exceeding £250. as his proportion of salary; and to any clerk or chief constable so appointed, any sum not exceeding £60; and to any other constable so appointed, any sum not exceeding £20.; and that for any time exceeding three, and not exceeding six calendar months, within which such county, &c. shall be declared to be restored to peace, &c. there shall be paid to the chief magistrate, any sum not exceeding £400.; and to such clerk or chief constable, any sum not exceeding £100.; and to every such other constable, a sum not exceeding £30. as to the lord lieutenant shall seem fit; and in case such county, &c. shall be restored to peace, &c. after 6 calendar months from the time when it was so proclaimed, &c. then there shall be paid to such chief magistrate, clerk, chief and sub-constables, a proportionate part of their salaries, calculated after the whole annual rate of such salaries respectively. By s. 11. the salaries, allowances, rents, taxes, and all other reasonable and necessary costs, charges and expenses of the establishment, shall be defrayed by presentment, in manner following, viz:—the grand jury of the county, &c. proclaimed, shall, at each assizes or presenting term, present all such salaries, payments, rents, taxes, costs, charges and expenses aforesaid, the same being duly vouched by affidavit, and it being duly certified by the chief magistrate of such proclaimed county, &c. that such constables respectively have faithfully and actively discharged the duties of said office; the said sums to be raised of such county, if the whole be proclaimed, and if not, then off the baronies or half baronies for which such magistrate shall have been so appointed. And by s. 12 all sums which shall be levied under such presentments, shall, by the treasurer of the county, be paid to the collector of excise of the district, to be by him applied as other public money. By s. 13. the judges at such assizes or presenting term, shall not fiat any other presentment, until the said presentments shall have been first granted. But this statute provides

(s. 12.)

Salaries and expenses to be defrayed by presentment.

Sums so levied paid to collector of excise.

s. 13. Such presentments to be first fiat.

(s. 12.) that it shall be lawful for the lord lieutenant to order the lord high treasurer, to issue out of the consolidated fund of Ireland, all money necessary on account of such salaries, costs and expenses, at such times and in such manner as he shall direct. By s. 14. if on any occasion, or in any court of law or equity, civil or criminal, any question shall arise concerning any such proclamation, or the appointment or qualification of any of said officers, common reputation shall be deemed sufficient evidence of every such matter, unless, by contrary evidence, a reasonable doubt shall be raised as to the truth of such reputation. And this act provides, (s. 15.) that as soon as any county, &c. or district, shall be declared to be restored to peace, &c. all arms and accoutrements which shall have been delivered to such chief or sub-constables, shall be forthwith delivered to such person, and disposed of in such manner as the lord lieutenant shall direct; and all horses, with their saddles and bridles, which may have been provided, shall be sold at such time and place as the lord lieutenant shall direct, and the produce thereof shall be paid to the treasurer of the county, to be applied to the county charge. And by s. 16. if any constable so appointed, shall not, within a week after he shall cease to hold such office, deliver over any arms and accoutrements to his successor in the said office, if such there shall be, and if not then to such person, and at such time and place, as shall be directed by the lord lieutenant, he shall forfeit £10. Irish currency, to be recovered by civil bill in the court of proper jurisdiction, by any person who shall sue for the same. And this act has been since amended by the 55 Geo. 3. c. 13. I. which enacts (s. 1.) that as often as by and under any one proclamation, or more, issued under the 54 Geo. 3. c. 131. (and whether such proclamations, if more than one, shall have been issued at one and the same time, or at different times,) any two adjoining counties, (whether one of them be a county of a city or county of a town, or not,) or any districts situate in two adjoining counties in Ireland, or any county, county of a city or county of a town, and any district

s. 12.

Lord lieutenant may order money, &c. out of consolidated fund.

s. 14.

Common reputation evidence of qualification of officers, &c.

s. 15.

When peace restored, arms, &c. delivered up.

s. 16.

Penalty upon constables not delivering up arms, &c.

55 Geo. 3. c. 13. s. 1. I.

Lord lieutenant may appoint one chief magistrate &c. to act for 2 adjoining counties, &c.

And one clerk and set of constables for each county or district, or for both.

Vide 57. Geo. 3. c. 22. I. post.

s. 2.

Lord lieutenant may proclaim any part of a county, or county of a city, &c. and establish an extraordinary police therein.

s. 3.

Lord lieutenant shall appoint in which of the counties such chief magistrate &c. shall reside.

s. 4.

Before whom chief magistrate shall be sworn.

district in any adjoining county, shall appear to be in a state of disturbance at one and the same time, whether any such district shall consist of one or more barony or baronies, half barony or half baronies, or of both, in every such case it shall be lawful for the lord lieutenant &c. of Ireland, if he shall think it proper, to appoint, in manner in the 54 Geo. 3. c. 131. mentioned, one person to be chief magistrate of such two or more counties or districts, or of such county and district; and also to appoint for the aid of such magistrate, either one clerk for each county or district, or one for both, and either one chief constable for each county or district, or one for both, and either one set of sub-constables for each county or district, or one set for both; and every such chief magistrate, clerk, chief or sub-constable, shall be subject to all the provisions of the 54 Geo. 3. c. 131. save as herein is otherwise provided. And by s. 2. it shall be lawful for the lord lieutenant, by the advice of the privy council, to declare by proclamation, that any part or parts of any county, or county of a city or county of a town, is or are in a state of disturbance, in like manner as is provided by the 54 Geo. 3. c. 131. in respect to any barony or half barony in any county at large; and thereupon all the powers and provisions of the 54 Geo. 3. c. 131. shall be put in execution within such part or parts of any county, &c. as shall be specified in such proclamation, in like manner as under the 54 Geo. 3. c. 131. and this act is directed with respect to any barony, half barony, or district; and all sums to be presented by any grand jury according to the directions of the 54 Geo. 3. c. 131. shall be raised off such part or parts, of such county, &c. as shall be specified in such proclamation, in like manner as by the 54 Geo. 3. c. 131. is directed, with respect to any barony or half barony. And by s. 3. it shall be lawful for the lord lieutenant to appoint in which of the counties, if more than one, for which, or for any part of which, any chief magistrate, clerk, chief or sub-constable, shall be appointed, he or they shall reside; and in what proportions their respective salaries, &c. shall be borne by the respective counties for which they shall be so appointed. By s. 4. every chief magistrate

magistrate who shall be appointed under the 54 Geo. 3. c. 131. or under this act, shall, before he proceed to the execution of this or that act, take the oath required to be taken by justices of peace in Ireland, before any justice of the peace of any county for which, or any part of which, he shall be so appointed chief magistrate, which oath such justice of peace shall on demand administer; and being so duly sworn, such chief magistrate shall be to all intents a justice of peace for each county for which, or for any part of which, he shall be so appointed, and in, and for every adjoining county; and such chief magistrate as shall be appointed under this act, shall be constantly present in one or other of the said counties for which he shall be so appointed, save when he shall be authorized by the lord lieutenant to depart therefrom.

By s. 5. every chief and sub-constable who shall be appointed under the 54 Geo. 3. c. 131. or this act, shall, before he shall do any act in his office, take the oath following: “I *A. B.* do swear, that I will well and truly serve
 “our sovereign lord the king, in the office of constable,
 “in the county (*or counties, as the case may be,*) of
 “*such county*; that I will see, and cause his majesty’s
 “peace to be kept and preserved therein, according to
 “the best of my power, without favour or affection, malice or evil will; and that I will well and truly execute
 “according to law, all warrants and precepts to me directed from *C. D.* chief magistrate of the said county,
 “(*or counties, as the case may be,*) or from any other
 “person who may be appointed such chief magistrate for
 “the said county, (*or for the said counties, or either of them, as the case may be,*) in the place and stead of the said
 “*C. D.*; and I will well and truly, according to my power, knowledge, and ability, do and execute all other things
 “belonging to the office of a constable, appointed to
 “assist such chief magistrate, as long as I shall continue
 “in the said office.” And every such oath shall be administered by the chief magistrate, under whose orders such chief or sub-constable shall be placed; and, thereupon every such chief and sub-constable shall be to all intents a constable of and in the county, and of and in every

Constant residence in one of such counties required.

s. 5.

Oath of chief and sub-constable.

every county (if more than one,) for which, or for any part of which, such chief or sub-constable shall have been so appointed. And the 57 Geo. 3. c. 22. I. recites

What number of chief and sub-constables lord lieutenant may appoint in each barony, &c. to aid chief magistrate.

the 54 Geo. 3. c. 131. and 55 Geo. 3. c. 13. *ante*, and that it may be sufficient in certain cases to appoint one chief magistrate only for more baronies than one, or for a more extended district in the same county, provided such chief magistrate shall have the aid and support of an encreased number of chief and sub-constables; and enacts, that it shall be lawful for the lord lieutenant, &c. of Ireland, to appoint for the aid of any such chief magistrate, such and so many chief and sub-constables as such lord lieutenant shall think proper: provided that there shall not in any case be more than one such chief constable, nor more than 50 such sub-constables, for any one barony or half barony, or for any county of a city or county of a town, or district of less extent than any barony or half barony of such county in which such district is situate. And by s. 2. all the clauses and pro-

The 54 Geo. 3. c. 131, and 55 Geo. 3. c. 13. to extend to such constables.

visions in the said recited act, shall apply to every chief or sub-constable so to be appointed under this act. And whereas it may be too burthensome upon the county, barony, half barony, or district, to bear and defray the expenses by said act required to be raised by presentment, this statute enacts (s. 3.) that it shall be lawful for the lord lieutenant, &c. by the advice of the privy council in Ireland, to order that any part not exceeding two thirds of all salaries, allowances, rents, taxes, costs, charges and expenses, which shall become payable under the said recited acts, or this act, shall absolutely and finally be payable and paid, by and out of the consolidated fund, and that the residue only shall be born and defrayed by presentment, in manner provided by said acts. And by s. 4.

Two thirds of the expenses of executing these acts may be paid out of consolidated fund.

Accounts of all proclamations and of all appointments and expenses, to be laid before parliament.

the chief secretary of the lord lieutenant shall, from time to time, cause accounts to be prepared of all proclamations issued under said recited acts, specifying the counties, &c. thereby declared to be in a state of disturbance, and also of the names of all chief magistrates and other officers appointed for the execution of said recited acts in said counties, &c., and also of the amount of all salaries, &c.

&c. and expenses incurred in consequence of such proclamations; and such chief secretary shall cause such accounts to be laid before both houses of parliament, within one calendar month next after the commencement of each session of parliament.

P. 257. l. 27. The 55 Geo. 3. c. 158. I. recites the statutes 32 Geo. 3. c. 16. Ir. and 54 Geo. 3. c. 131. I. and that it is expedient to provide for the better payment of constables heretofore appointed or continued, or who may hereafter be appointed or continued; and enacts, that the grand jury of every county at large in Ireland, shall and may, at every assizes, present any sum not exceeding £10. for every constable appointed or continued before the passing of this act, (11. July, 1815,) or who at any time after shall be appointed by the grand jury of such county, in every barony or half barony, under the authority of the said recited acts, or either of them, not exceeding such number as may by law be appointed in any one barony or half barony; and all sums so presented shall be levied out of such barony or half barony, in such proportion as the presentments of the county at large are raised on such baronies, &c.; and such sums shall be presented and raised for such constables, and shall be paid to them by the treasurers of the said counties respectively, under such rules and regulations as are required with respect to the presenting, &c. the sums payable to such constables, under any acts in force in Ireland immediately before the passing of this act. And by s. 2. it shall be lawful for the grand jury at any assizes or presenting term in Ireland, to present such sum as shall be necessary, from time to time, for providing such arms, accoutrements, and ammunition, as such grand jury shall deem necessary for every such constable to have; and said sums shall be paid by the treasurer of the county to such person or persons, as such grand jury shall employ and contract with for providing such arms, &c. as soon as it shall appear to such treasurer by the receipt of the constable, verified by the affidavit of such contractor, that all such arms, &c. have been duly furnished

Additional sums presented for constables appointed under 32 Geo. 3. c. 16. Ir. & 54 Geo. 3. c. 131. I. by grand juries at each assizes.

55 Geo. 3. c. 158. I.

s. 2.

Grand juries to present sums for arms, &c. for constables.

- s. 3. *Lord lieutenant may order money out of consolidated fund for the purpose.* nished according to such contract. And by s. 3. it shall be lawful for the lord lieutenant, &c. of Ireland, to direct the lord high treasurer, or commissioners for executing that office, to issue out of the consolidated fund of Ireland, any money he or they shall think necessary for providing such arms, &c. or any part thereof, at such times and in such manner as the lord lieutenant shall direct; and whenever it shall be notified to any such grand jury, that such arms, &c. have been provided and paid for under such order, then such grand jury shall not enter into any contract for the supply of any such arms, &c. or of such part thereof as shall be mentioned in such notification; and thereupon such sum as shall be presented for the same, or such part thereof as aforesaid, shall be paid over by the treasurer of the county, to the collector of excise of the district, to be applied as other public money in his hands. And it is provided (s. 4.) that it shall be lawful for the lord lieutenant, on the petition of any such constable, supported by the recommendation of the grand jury of the county within which such constable shall be appointed, and by such certificates as such lord lieutenant shall require, of the continuance of the service of such constable, and of his having executed such duty with diligence and fidelity, to order that such constable shall be superannuated, and receive such yearly allowance, remuneration, or superannuation, as to such lord lieutenant shall seem proper, upon the conditions, and not exceeding the proportions in this act mentioned; and thereupon such constable shall cease to hold such office, and the yearly sum to which he shall so become entitled shall be presented by the grand jury in two equal sums, one at each assize during his life, on its being proved to the satisfaction of such grand jury that such person is living. Provided (s. 5.) that the condition and proportion of such allowance, &c. shall be as follows: where any constable shall be under 60 years of age, it shall not be lawful to grant any such allowance, &c. unless upon certificate from the grand jury of the county, that such constable is incapable, from infirmity of mind or body, to discharge
- In such case grand jury not to contract.*
- But money presented to be paid over to collector of excise.*
- s. 4. *Lord lieutenant may superannuate constables; and grand juries shall present allowances accordingly.*
- s. 5. *Scale of such allowances, according to age, and period of service.*

discharge the duties of his office; in which case, if he shall have served with diligence, &c. for 10 years, it shall be lawful to grant him an annual sum not exceeding one third of the salary of his office; if above 10 years and less than 20, any sum not exceeding one half of such salary; if above 20 years any sum not exceeding two thirds of such salary; and if such constable shall be above 60 years of age, and shall have served 15 years or upwards, it shall be lawful, although there shall be no such certificate of incapacity, to grant to him, by way of superannuation, any annual sum not exceeding two thirds of the salary of his office; if 65 years of age, and he shall have served 40 years, any sum not exceeding three fourths of such salary; if 65 years of age, and he shall have served 50 years, then any sum not exceeding the whole of such salary.

P. 260. l. 14. The 55 Geo. 3. c. 68. E. recites the 13 Geo. 3. c. 78. s. 19. Eng. and that it is expedient that more public notice should be given of any order made, or proceeding had, for diverting, turning, stopping, and enclosing any highway, bridleway, or footway; and also that a greater facility of appeal to the quarter sessions should be given; and that it is expedient that justices of the peace should have power, under certain regulations, to stop up unnecessary highways, &c.; and therefore enacts, that when it shall appear upon the view of any 2 or more justices, &c. that any public highway, &c. may be diverted so as to make the same more commodious to the public, and the owner of the lands and grounds through which such new highway, &c. is proposed to be made, shall consent thereto, by writing under hand and seal, it shall be lawful, by order of such justices at some special sessions, to divert and stop up such footway, and to divert, stop up, enclose, sell and dispose of such old highway or bridleway, and to purchase the ground for such new highway, &c. by such ways, &c. in all respects, as in the 13 Geo. 3. c. 78. mentioned with regard to highways to be widened or diverted; and also when it shall appear, upon such view, that any public highway, &c. is unneces-

Justices of peace at special sessions, may divert, &c. public highways bridle ways, and footways:

55 Geo. 3. c. 68. E.

*And stop up, &c.
unnecessary
highways, &c.*

*Notice to be in-
serted in news-
papers, and af-
fixed to church
door, &c.*

*Order returned
to the quarter
sessions and
there confirmed
and inrolled.*

s. 3.

*Persons injured
by any such or-
der, &c. may
appeal to quar-
ter sessions.*

sary, it shall be lawful, by order of such justices, or any 2 of them, to stop up, and sell, &c. such unnecessary highway, &c. by such ways, &c. as in said recited act mentioned; except that the money to arise from such sale, where, by said act it would be applicable to the purchase of the ground of the new highways or bridleways, shall be paid to the surveyor, and be applied towards the general repair of the highways and bridleways of the parish or place within which the said highway, &c. so stopped up shall be situate; provided, that in the several cases before mentioned, a notice, in the form or to the effect in the schedule to this act mentioned, shall be affixed, in legible characters, at the place, and by the side of the highway, &c. from whence the same is directed to be turned, &c. and also inserted in one (or more) newspaper, published or generally circulated in the county where the parish, &c. shall lie, (or in case no such newspaper shall be published, &c. in such county, then in any newspaper published, &c. in the nearest adjoining county) for 3 successive weeks after the making of such order; and a like notice shall be affixed to the door of the church or chapel of every parish or township in which such highway so ordered to be diverted, &c. or any part thereof, shall lie, on 3 successive Sundays subsequent to the making of such order; and the said order shall, at the quarter sessions which shall be holden within the limit where the highway, &c. shall lie, next after 4 weeks from the first day on which such notice shall have been so published, be returned to the clerk of the peace in open court, and lodged with him; and the said order shall at such quarter sessions be confirmed and inrolled. Provided (s. 3.) that any person injured by such order or proceeding, or by the enclosure of any road or highway, may, by virtue of an inquisition taken upon any writ of *ad quod damnum*, appeal to the said quarter sessions, upon giving 10 days notice in writing to the surveyor of the highways of the parish, &c. wherein such highway, &c. shall be situated, and also affixing such notice to the door of the church or chapel of such parish, &c.; and the said court of quarter

quarter sessions is hereby empowered to hear and finally determine such appeal. And by s. 4. if no such appeal be made, or being made such order, &c. shall be confirmed by said court, the said enclosures may be made, and the said ways stopped; and the proceedings thereupon shall be conclusive to all persons; and the new highways, &c. shall for ever continue public highways, &c.: but no enclosures of such old highways, &c. (except in the case of stopping up of such useless highways, &c. as before mentioned,) shall be made, until such new highway, &c. shall be completed, and so certified by 2 justices of peace upon view thereof; which certificate shall be returned to the clerk of the peace, and by him inrolled amongst the records of the quarter sessions, next after such order as aforesaid shall have been confirmed or inrolled pursuant to the directions herein-before contained; but after the inrolment of such order and certificate, such old highway, &c. shall be stopped up, and the soil of such old highway or bridleway sold in manner, &c. as in the 13 Geo. 3. c. 78. mentioned with respect to highways diverted by virtue of said recited act. By s. 5. this act shall not annul or affect any order or proceeding for the diverting or stopping up any highway, &c. made or had previous to the passing of this act, (7 June, 1815).

s. 4.

If no appeal or order confirmed proceedings conclusive.

s. 5.

Act not to annul any previous order, &c.

P. 263. l. 24. The 54 Geo. 3. c. 109. E. recites the 13 Geo. 3. c. 78. Eng. and that the assessments which are authorized by that act, are not sufficient for the purposes to which the same are directed to be applied; and therefore provides, that if upon the application of the surveyor of the highways of any parish, township or place, to the justices of the peace at their general or quarter sessions, or at a special sessions for the highways, the said justices shall be satisfied that the common highways, bridges, causeways, streets or pavements, of such parish, &c. are so far out of order that they cannot be sufficiently amended and supported by the means in the 13 Geo. 3. c. 78. prescribed, it shall be lawful for the justices to order an additional assessment to be made on such parish, &c. which additional assessment shall be levied in the manner directed

Further assessment in addition to those under the 13 Geo. 3. c. 78. may be ordered by the justices at sessions, for the repair of highways, &c.

54 Geo. 3. c. 109

s. 2.
*Notice of the
application for
such assessment
to be given.*

s. 3.
*Rate of such
assessment li-
mited.*

s. 4.
*Surveyors of
highways, by
authority of 2
justices, may re-
quire a compo-
sition in money
instead of the
statute duty.*

*Justices at ses-
sions to fix the
rates of such
composition.*

directed by the 13 Geo. 3. c. 78. and upon the same persons therein declared to be liable to be rated to the assessments therein authorized to be made. But by s. 2. a particular notice of such application is required, in order that any person liable to be rated may make his objections to such assessments. And by s. 3. the assessment herein authorized shall not exceed the rate of 1s. 9d. in the pound, on the actual value at the time of making such additional assessment. And this act (s. 4.) further recites the 34 Geo. 3. c. 74. Eng. by which it was enacted that it should be at the option of the surveyor either to require the statute duty in kind, or a composition in money in lieu thereof, at certain rates which are therein fixed; and also recites the 44 Geo. 3. c. 52. E. by which the rates for each statute duty were encreased so far as respected teams, draughts, ploughs and carts, with one or two horses; and inasmuch as the actual wages of labour, and rate of hiring teams, carts, horses, or oxen, vary at different times, and in different parts of England, this statute therefore enacts, that in all cases in which it shall be made to appear to 2 or more justices of peace, acting within the district, by the surveyors of the highways, or of any turnpike road, that the maintenance and repair thereof can be more effectually carried on by a composition in money, than by a performance of the statute duty in kind, they may require such composition in money, upon receiving an authority under the hands and seals of the said justices for that purpose, in lieu of either the whole or of any certain part of the statute duty, from the several persons who are bound by law to perform such statute duty; and the justices of the district, at their special sessions for the highways held in the week next after Michaelmas, yearly, shall fix such rates as they shall adjudge reasonable, as a composition in lieu of the teams, &c. or labour which such persons are bound, in the proportions now fixed by law, to provide or perform, which rates the justices shall annually make known at such special sessions, due regard being had to the actual wages of labour, and to the actual rate of hiring teams, &c. in the parish, &c. in which such composition is required; and such

such composition shall be paid in the same manner, and within the same period, and subject to the same regulations as now by law established for enforcing the payment of compositions in lieu of statute duty: provided that where the whole composition in money shall not be required in lieu of the whole of the duty in kind, such composition shall be demanded in fair proportions from every person liable to pay the same, unless any of said persons shall prefer to pay a composition for the whole of their statute duty, according to the rates fixed in manner herein directed. By s. 5. all persons who are liable, under the 13 Geo. 3. c. 78. 34 Geo. 3. c. 74. and 44 Geo. 3. c. 52. herein recited, to contribute to the repair of the highways by a payment of money in lieu of statute duty, shall contribute thereto in lieu of every day's statute duty, for every 20s. of the actual annual value at the time of making the said assessment of the lands, tenements, woods, tithes, and hereditaments, which such persons shall respectively occupy in the parish, &c. where they reside, or in any other parish, &c. a sum equal to a fiftieth part of the sum fixed by the justices (at the time and in the manner by this act directed,) as the composition for one day's labour of a cart, wain, or carriage furnished with 3 horses and 2 able men, omitting any fractional part of the said sum which does not amount to one farthing; and all persons occupying more than £50. *per annum* in the parish, &c. wherein they reside, or in any other parish, &c. and less than £100. *per annum*, shall contribute to the repairs of the highways in lieu of every day's statute duty, for every 20s. of the actual annual value at the time of making the said assessments of the lands, &c. which such person shall respectively occupy beyond the said sum of £50 *per annum*, and under £100, a sum equal to a fiftieth part of the sum fixed by said justices, (at the time and in the manner directed by this act,) as the composition for one day's labour of a cart, wain, or carriage furnished with 3 horses and 2 able men, omitting any fractional part which does not amount to one farthing; and so on progressively for every 20s. of the actual annual value of the lands, &c. which they shall respectively

Persons to have option of compounding for the whole instead of part of statute duty.

s. 5.

Scale according to which persons liable to pay money instead of statute duty shall contribute, with relation to annual value of lands, &c. occupied in parish, &c.

respectively occupy, beyond every additional £50. *per annum*; and the said sums shall be paid in the same manner, and within the same period, and subject to the same regulations, as now established for enforcing the payment of composition in lieu of statute duty. And by

s. 6:

In what proportions persons keeping coaches, &c. and not keeping teams, &c. nor occupying £50. per annum, shall pay in respect of every day's statute duty.

s. 6. every person who shall keep a coach, post chaise, chair, or other wheel carriage, and not keep a team, draught or plough, nor occupy 50. *per annum* in the parish, &c. where he resides, shall pay to the surveyor, in respect of every day's statute duty, for every horse which he shall use in drawing such carriage, such a sum as the justices shall, at the time and in manner by this act directed, fix as the composition for one day's work of a horse; or shall, at the option of the surveyor, pay in lieu of every day's statute duty, for every 20s. of the actual annual value of the lands, &c. which he shall occupy, a sum equal to a fiftieth part of the sum fixed by the justices, (at the time and in the manner directed by this act,) as the composition for one day's labour of a cart, wain or carriage, furnished with 3 horses and 2 able men, omitting any fractional part of the said sum which does not amount to a farthing; and the said sum shall be paid in the same manner, &c. as then by law established for enforcing the payment of compositions in lieu of statute duty. By s. 7. all persons who shall refuse or neglect to

s. 7.

Penalty for refusing, &c. to perform statute duty in kind, when duly summoned.

perform any part of their statute duty in kind, on being regularly summoned by the surveyor for that purpose, shall forfeit a sum equal to twice the amount of the composition for such statute duty as they shall have so neglected, &c. to perform, according to the rates fixed by the justices under the provisions of this act; and shall be also liable to perform the said statute duty which they have so neglected, &c. either in the same or in the following year; the payment of such forfeitures, and the arrears of such statute duty, to be enforced and applied to the benefit of the highway or turnpike road, to which the original neglected duty was due, by the surveyor for the time being, as other forfeitures may be levied, and statute duty enforced, by any of the provisions of the said herein before

before recited acts. By s. 8. the justices of peace, and magistrates of all cities, &c. and other separate jurisdictions, are required to put in execution this act within their respective jurisdictions, as far as the provisions thereof are applicable, in as full a manner as the justices of any county or division. Provided (s. 9.) that nothing in this act shall alter the several herein-before recited acts, nor any act passed subsequently to said recited acts, regarding the highways and turnpike roads in England or Wales; but that the same, where not expressly altered by this act, shall remain in force, and all their powers be also applicable to the carrying this act into execution, so far as the same are adapted thereto. The 55 Geo. 3. c. 68. s. 6. E. recites the 54 Geo. 3. c. 109. s. 6. *supra*; and that certain other matters relative to the highways are to be done by justices of peace, at their special sessions to be holden in the week next after the Michaelmas quarter sessions; and that the time for holding the Michaelmas quarter sessions had been altered by the 54 Geo. 3. c. 84. to the first week after the 11th October; and therefore enacts, that it shall be lawful for the justices, &c. assembled in their special sessions in the week after Michaelmas, to do every act, which they might heretofore have legally done in the special sessions directed to be holden in the week after the said Michaelmas general quarter sessions of the peace.

P. 271. l. 34. The 53 Geo. 3. c. 76. I. empowers the grand jury of any county, county of a city, or county of a town in Ireland, at any assizes, to appoint such and so many persons possessed of a freehold or leasehold estate of not less than £500. yearly value, to be supervisors of any road in said county, &c. which shall be made or repaired by presentment, with such powers, and subject to such regulations, as are given and prescribed to and for supervisors of mail coach roads by the 49 Geo. 3. c. 84. I.

But to provide for the more deliberate investigation of presentments to be made by grand juries for roads and public works in Ireland, and for accounting for money raised by such presentments, the 57 Geo. 3. c. 107. I. requires

s. 8.

Justices, &c. in cities, &c. to execute this act, as well as justices in counties.

s. 9.

Former acts to be in force, save so far as altered hereby.

55 Geo 3. c. 68. s. 6. E.

Justices may act at their special sessions in the week after Michaelmas, as formerly in the week after Michaelmas quarter sessions.

Supervisors, of presentment roads how appointed, &c.

53 Geo. 3. c. 76. I.

Their powers, &c.

Magistrates possessing freehold or leasehold property as herein mentioned, to meet at quarter ses-

sions in April (or July in certain cases) in every year, to consider proposals for making or repairing roads, or executing public works.

57 Geo. 3. c. 107. I.

Adjournment from place to place till sessions held in every district, &c.

Affidavits verifying estimates, &c. to be sworn in open court before magistrates.

Chairman chosen,

requires every magistrate of every county, county of a city, and county of a town in Ireland, within their respective jurisdictions, who shall be seised and possessed of a freehold estate, in fee simple or fee tail, in possession, of the annual value of £300. at least, or of a leasehold estate in perpetuity, or for life or lives, or for any term of years not less than 20 years unexpired, of the annual value of £500. at the least, or who shall be heir apparent to any person seised or possessed of freehold or leasehold estates of double such amount, (or who shall be entitled to act as a magistrate for any county of a city, or county of a town, or for any city and liberties, according to the charter of such city, &c. although not possessed of a freehold or leasehold estate to the several amounts aforesaid,) to assemble in the court houses, and other usual places of holding the sessions in each county, county of a city, or county of a town, at the general quarter sessions to be holden in the month of April in every year, (or in the month of July in cases herein-after provided for by this act,) after all the usual business at such sessions shall have been completed; and such magistrates so assembled shall adjourn such sessions for the purposes of this act from place to place, within every county of Ireland, until such sessions shall have been holden at all the several court houses, and other usual places of holding such sessions, in every district, under the provisions of the 26 Geo. 3. c. 25. Ir.; and such magistrates shall have power to adjourn from day to day only, (except from Saturday to Monday,) and from place to place, until such sessions shall be completed in every district of every county at large, and in every county of a city, and county of a town in Ireland; and shall at every such sessions and adjournment thereof, upon the bench in open court, proceed to take into consideration all proposals for the making or repairing of roads, or for the executing of any public works belonging to the county of a city, county of a town, or district, in which such magistrates are so assembled; and also shall proceed, upon the bench, in open court, to swear the several persons concerned to the truth of their affidavits, with reference to every such proposal, according to the directions of this act: provided that such magistrate shall preside as chairman

man at every such meeting, as shall be chosen by the majority of the magistrates then present. And by s. 2. at the first meeting of such magistrates at such quarter sessions, (not less than 5 magistrates being present,) the chairman shall take and subscribe an oath according to the form in the schedule to this act, before any 2 of such magistrates being present; and after such chairman shall have been so sworn, every magistrate who shall attend at such meeting, or any adjournment thereof, shall, before acting in execution of this act, take and subscribe such oath in like manner before such chairman. And by s. 3. the chairman presiding at every such meeting shall transmit to the secretary of the grand jury of the county, &c. a correct list signed by himself, of the magistrates who shall have taken and subscribed said oath; which list shall be laid before the grand jury by said secretary, at the ensuing assizes.

s. 2.
Chairman to take oath prescribed in presence of 5 magistrates, &c.

Other magistrates to take oath before chairman.

s. 3.
Chairman to transmit to secretary of grand jury a list of magistrates who have taken the oath.

By s. 4. notices in writing of all proposals for the laying out, forming, making, or repairing of roads, or for building or repairing of court houses, sessions houses, bridges, or walls, or for executing any other public works intended to be submitted to the magistrates at such sessions, shall be posted, by or on behalf of the persons making such proposals, on the door of the parish church, where there is any such church in repair, or otherwise, on the door of the next adjoining parish church which is in repair, and also on the door of the chapel of the parish to which such proposal relates, upon the Sunday week immediately previous to the first day of holding such sessions; and a copy of every such notice shall be delivered on or before the Saturday next preceding such Sunday, by or on behalf of the persons making such proposals, to the high constable of the barony within which such roads, &c. or other public works shall be situate. And by s. 5.

s. 4.
Notices in writing of all proposals for making, &c. roads or public works to be posted on church and chapel doors.

Copy delivered to high constable of barony.

it shall not be lawful for the grand jury of any county, &c. to present any money for the making or repairing of any such roads, &c. or for the building of court-houses, &c. or other public works, save at the summer assizes in every year: provided that it shall be lawful for any grand jury to present money for the necessary repairs of any court-house, sessions house, gaol or prison, and for the

s. 5.
Presentments for roads and public works to be at summer assizes. Repairs of court house, &c. and salaries of officers may be presented at spring assizes.

s. 6.
*Proviso as to
 presentment for
 repayment of
 money advanced
 by lord lieuten-
 ant, and for
 charities.*

salary of any officers belonging to the same, as well at the spring assizes, as at the summer assizes in every year. But by s. 6. nothing in this act shall limit the authority of grand juries, in making any presentment at any assizes for the re-payment of monies advanced by order of the lord lieutenant, or other chief governor or governors of Ireland, of or for the raising any money for the maintenance of any charitable establishment, or for any purposes not specially provided for by this act, for which such grand jury are empowered to make presentment by any act in force before the passing of this act (11 July 1817.)

s. 7.
*Surveyors of
 public works to
 be appointed in
 several counties
 by lord lieuten-
 ant.*

*Surveyors to
 take oath before
 grand jury.*

*Scale of salaries
 for surveyors to
 be presented in
 several counties.*

*Surveyors to be
 approved by
 board of engi-
 neers.*

This act provides (s. 7.) that as soon as persons can be found properly qualified for the office of county surveyors, there shall be attached to every county, &c. a surveyor of public works, to be named and appointed from time to time by the lord lieutenant, &c. in writing under his or their hand or hands, and to be removable by the lord lieutenant, &c; and every such surveyor shall be sworn by the foreman, in the presence of the other members of the grand jury of every such county, &c. at the assizes for such county next after such surveyor shall be so appointed, according to the form of oath contained in the schedule (marked A. No. 2.) annexed to this act; which oath shall be entered, signed, and attested in the county book; and it shall be lawful for every grand jury, at every assizes for every county, &c. to present any sum not exceeding the sums hereafter respectively specified, as a salary for every such surveyor, for the half year preceding such assizes, to be levied off such counties, &c. respectively, viz. Cork, Donegal, Down, Galway, Kerry, Mayo, Tipperary, and Tyrone, a sum not exceeding £300; and off the counties of Armagh, Clare, Derry, Limerick, Meath, Monaghan, and Wexford, a sum not exceeding £250.; and off any other county at large a sum not exceeding £200; and off any county of a city or county of a town a sum not exceeding £100.: provided that no person shall be appointed such surveyor, unless he shall have been previously examined by a board of civil engineers in Dublin, and shall have obtained a certificate from such board, setting forth that such person hath been duly examined, and is qualified to undertake the office of surveyor as aforesaid; and such board of engineers, &c. shall consist of at least 3 civil engineers,

engineers, and shall be appointed by the lord lieutenant, &c. and shall act without any salary or emolument; and such surveyor shall be vested with all powers heretofore vested in the conservators of public works, in the several counties in Ireland; and no conservator shall be appointed, or shall continue to act in any county, &c. for which any such surveyor shall be appointed under this act; and every such surveyor shall be deemed to be an overseer of all public works in the county, &c. and shall certify his opinion upon such works as are herein-after specified; and shall keep an office open for his regular attendance on business in the county town of the county, or in the county of a city or town, for which he shall be so appointed; and shall give his attendance at all assizes for such county, &c. for the purpose of being examined upon oath, or otherwise, by the court [*or] grand jury upon all matters touching the execution of his office. By s. 8. it shall be lawful for the same person to be appointed surveyor to any 2 counties, or to any county and also to any county of a city and county of a town, if it shall be thought expedient by the lord lieutenant, &c. and in such case the magistrates hereby required to assemble at the general quarter sessions in the months of April or July in each year, shall assemble in one of such counties, &c. at the April quarter sessions, and in the other at the July quarter sessions in each year, as shall be specified for that purpose in the appointment of such surveyor; and whereof notice shall be given by such surveyor to the clerk of the peace of each such county, &c. 14 days at least before the first day of such sessions respectively. By s. 9. if any such surveyor shall be disabled from attendance by indisposition, (to be certified to the grand jury upon oath,) he may depute another surveyor to act for him, such deputy having been previously examined by the board of civil engineers as aforesaid, and having taken the oath appointed for surveyors, and having been approved by the lord lieutenant, &c. and such deputy shall be entitled to the full salary payable to the surveyor by whom he shall be so deputed; and in case any surveyor shall be disabled by indisposition from attendance for 6 calendar months successively, a new surveyor shall be appointed in his stead.

To have powers of conservators.

To keep an office open in county town.

* Misprinted "of."

s. 8.

One surveyor may be appointed for two counties, &c.

9.

Surveyors may appoint deputies in case of indisposition.

By

s. 10.

Grand juries not to present any sum exceeding £20. for roads, &c. unless the necessity of the work, and reasonableness of estimate be reported to grand jury by surveyors.

By s. 10. it shall not be lawful for the grand jury of any county, &c. for which any such surveyor shall be appointed, to present any money to be levied for the erecting or repairing any building, the estimate for which shall exceed £20. or for the laying out any new road or foot-path, or for the widening an old road, or lowering a hill, or filling up a hollow, or filling up grips, the expense of which respectively shall exceed £20., unless the necessity or expediency of such works, together with the plans (where any such plans shall be required by law to be made) and estimates for the same, shall have been previously examined by such surveyor; and in all cases in which such surveyor shall not concur in the necessity, &c. of the work proposed, he shall attend the grand jury at the assizes, and be examined by them touching the same; and where such surveyor shall approve of the work being executed, but shall disapprove of the plan and estimate laid before him, it shall be the duty of such surveyor to prepare a new plan and estimate, or to alter the plan and estimate so proposed to him, in such manner as he shall think fit, previous to the same being laid before the grand jury.

s. 11.

Reports of surveyors to be laid before magistrates at special sessions, and grand juries at assizes, containing detailed statements of all matters respecting their office.

By s. 11. every person appointed surveyor pursuant to this act, shall lay before the magistrates assembled at every special sessions so required to be holden, and also before the grand jury at every assizes, a full and particular report of the several duties of his office performed by him, since his appointment to such office, or since the date of any former report made by him at the sessions and assizes preceding; which report shall contain a detailed statement of the progress, repairs, state and condition of the several court houses, sessions houses, gaols, bridewells, roads, bridges, walls, and other public works within the county, &c. of which he shall be surveyor, for the expenses whereof the grand jury are by law enabled or required to make any presentment; specifying which of such works or roads are of most immediate necessity or utility, and whether any others are required; stating also the several roads or lines of communication which it may be necessary to open, and the roads and ways which it may be expedient to shut up, or to turn or divert, or to leave to be repaired at private expense only; stating also the names and descriptions of

of all persons prosecuted by such surveyor for any injury or nuisance to such roads, and before what magistrate, and the result of such prosecutions, and all matters relating to the office of such surveyor, or heretofore belonging to the office of conservator of public works; and in such report all roads (not being turnpike roads) shall be classed under the 3 following heads; 1st. the direct or post roads, being such as form an immediate line of communication between the county town and the city of Dublin, or between such county town and any other county town, or between such county town and any bays or any seaport, or port or place of exportation, situate on any navigable river; 2dly. cross roads, being such as form an immediate line of communication between the county town and any market town, or between one market town and another, or between any market town and any bog, or any sea-port or place of exportation situate on any navigable river; 3rdly. private or narrow roads communicating between market towns and villages, or between villages and villages: and such surveyor shall also state in such report what turnpike roads pass through any part of the county, and the places within such county where such turnpike roads begin and end respectively; and every such report shall (if required by the grand jury) be verified upon the oath of such surveyor, which oath the foreman of such grand jury is hereby authorized to administer; and a copy of such report shall be annexed to and printed with the list of presentments made at such assizes, and shall be transmitted to the chief secretary of the lord lieutenant, &c. and laid before parliament, as is required by law with respect to such presentments. By s. 12. every proposal for executing any road, or other public work, shall be made upon an estimate vouched by a grounding affidavit, in such forms as are now required by law, or in such other forms as may from time to time be directed by the grand jury of any county, &c. and every such estimate and affidavit shall, (in such counties where any county surveyor shall be appointed pursuant to this act,) be lodged with such county surveyor, and in such counties where no such surveyor shall

Classification of roads in such reports.

Reports verified by oath if required, and printed with list of presentments.

s. 12.

Estimates and affidavits grounding them to be lodged with surveyor 6 weeks previous to the sessions held under this act.

*If no surveyor
then with clerk
of the peace.*

*Schedule of ab-
stracts to be
made.*

s. 13.

*Proposals, affi-
davits, and esti-
mates, with
schedule of ab-
stracts to be laid
before magis-
trates at such
sessions, with
observations of
surveyor.*

*Proposals to be
signed by chair-
man as "ap-
proved" or "dis-
approved."*

shall be appointed, shall be lodged with the clerk of the peace, 6 weeks at least previous to the first day of the quarter sessions to be holden in the months of April or July respectively, in every year, pursuant to this act; and every such surveyor or clerk of the peace shall immediately, upon the receipt of such grounding affidavits, arrange the same, according to the several districts in which they shall be, to be taken into consideration, and shall number all such affidavits, and shall make abstracts of the same in separate schedules, according to the number of districts, (viz. one schedule of abstracts for each district) with a separate schedule for all such presentments as are liable to be presented, to be levied either on the county or barony, at the discretion of the respective grand juries; and every abstract in such schedules shall be marked with a number corresponding with the numbers indorsed on the several affidavits, and in such manner that all the proposed repairs on any line of road in any district, shall be placed in regular order one after the other. And by s. 13. the county surveyor, or the clerk of the peace where no such surveyor shall be appointed, shall lay before such magistrates at such sessions, and the several adjournments thereof, all the proposals, affidavits, and estimates, which shall have been lodged with him as aforesaid, for executing public works within the district, or county of a city or town, in which such magistrates shall be so assembled, together with the schedule of the same so made by him as aforesaid; and the opinion of such surveyor respecting all such proposals, &c. shall be signified at the foot of every affidavit relating to such proposals or estimates in any county in which such surveyor shall be appointed; and such magistrates, or such number as shall be present, being not less than three, shall proceed in open court, upon the bench there, to take into consideration all such proposals whereof notice shall have been posted and given in manner required by this act, and none others, such notice to be proved to the satisfaction of such magistrates; and such of said proposals as shall be approved by the majority at such sessions, shall be signed by the chairman with the word "approved" prefixed, and such

as

as shall be disapproved by the majority, shall be signed by the chairman with the word "disapproved" prefixed; and such chairman, in all cases where the numbers are equal, shall have a casting voice; provided that all affidavits relating to such proposals for public works shall be sworn before the magistrates assembled as aforesaid, within the district in which such work is proposed to be executed, in open court upon the bench there; and in all cases the chairman of such meeting, and some other magistrate present, shall sign the jurat of every such affidavit; and as soon as the magistrates assembled shall have decided upon all such proposals for public works in such districts, as shall be laid before them at such meeting, the county surveyor, or clerk of the peace where no surveyor shall be appointed, shall fill up, in writing, the form of presentment applicable to each proposal, for the execution of such works as shall be approved of by such magistrates, in conformity with the opinion of the magistrates at such meeting, specifying, at the head of each presentment, the act under which such presentment is authorized to be made; and the chairman of such meeting shall deliver all such proposals, whether approved or disapproved, together with the affidavits, estimates, specifications, and certificates relating to the same, to the said surveyor, or clerk of the peace; and all such proposals, together with the form of presentment relating to such of them as are approved, shall, by the said surveyor or clerk of the peace, be forthwith transmitted or delivered to the secretary of the grand jury, to be laid before them at the next assizes.

Chairman to have a casting voice.

Affidavits relating to proposals how sworn.

By s. 14. it shall not be lawful for any sheriff of any county, &c. to return upon any panel of any grand jury, at any assizes in such county, &c. any person who shall be either treasurer of the county, secretary of the grand jury, county surveyor, chief constable, or collector of any barony, or clerk of the crown and clerk of the peace.

s. 14.

County treasurer, surveyor, &c. not to be grand jurors.

And by s. 15. every grand juror, immediately after being sworn before the judge of assize, in such manner as hath heretofore been practised, shall, in open court at such assizes, also take the oath following: "You shall diligently enquire on behalf of the county, (or county of

s. 15.

Additional oath required to be taken by grand jurors.

"the

“ the city, or county of the town,) of , and true
 “ presentment make, of all such matters and things as
 “ shall be given to you in charge, or as shall come before
 “ you, in any wise relating to the raising of any money
 “ upon the said county, (or county of city or county of
 “ town) of , or upon any barony, half barony,
 “ district, or parish therein, or relating to the accounting
 “ for the expenditure of any such money: you shall not
 “ present, nor allow nor disallow any matter or thing,
 “ nor shall you leave any matter or thing unrepresented
 “ which is presentable, through hatred, malice or ill-will,
 “ nor through fear, favour, affection, or reward; but in
 “ all such things you shall present the truth, the whole
 “ truth, and nothing but the truth, according to the best
 “ of your knowledge and judgment: So help you God.”

*Grand jurors
 may disclose
 matters relating
 to presentments,
 or accounting
 for money pre-
 sented.*

And it shall be lawful for any grand juror to disclose any evidence, or other matter relative to the making or refusing of any such presentment, or relative to the accounting for the expenditure of any money raised by presentment.

s. 16.

*Duty prescribed
 for secretary of
 grand jury in
 respect to ar-
 ranging and
 making abstracts
 of all matters
 relating to pre-
 sentments.*

By s. 16. the secretary to the grand jury shall, forth- with, after the meetings of magistrates shall have been held in the several districts, and that the several proposals, affidavits, estimates, and forms of presentments, have been lodged with him, as aforesaid, arrange and number all such proposals, &c. and other matters relating to presentments, and shall cause abstracts thereof to be made and inserted in schedules, one for each barony and half barony, and one for the county, with each item separately numbered, in a series corresponding to the numbers of the respective affidavits or other matters to which every such item shall respectively relate, distinguishing by the words “approved” or “disapproved,” the determination of the magistrates on every such proposal, at any meeting holden under this act, and stating the sum of money required for each item, and casting up the amount of all such sums at the foot of each page, and carrying forward the same, so as to shew the total amount of the sum which is proposed or required to be raised off the county at large, and the sums proposed, &c. to be raised in each barony and half barony,

*Schedules for
 each barony, &c.
 shewing the a-
 mount of charge
 proposed to be
 raised on county
 at large, or ba-
 rony, &c.*

and

and specifying the amount of the charge which such amount would, if presented, occasion on each barony or half barony, distinguishing the charge proposed, &c. to be raised on every barony or half barony for their respective use, and the proportion of the sums so to be raised on the same barony, &c. arising from the charge on the county at large; and such secretary shall cause a copy of such schedules to be inserted in the county and barony books, according as the charge shall belong either to the county or barony, always inserting in the county book such as may be doubtful, as depending on the discretionary power vested in grand juries; and such secretary shall forthwith cause a number of copies of such schedules to be printed and distributed, 15 days at least before the commission day of the ensuing summer assizes, among the several magistrates of each district, and such other persons as usually compose the grand panel of the county, &c. to which such secretary belongs, not exceeding 30 copies for each barony and half barony; and such secretary shall likewise deliver a copy of such printed schedule to the foreman of the grand jury, immediately after such grand jury shall be sworn, and also a copy to the judge of assize, immediately upon his opening the commission, and shall keep a copy in the office for the inspection of all whom it may concern; and the said secretary shall have such copy ready for inspection at his office, at all reasonable times, after such schedules has been printed, previous to such assizes. And by s. 17. the secretary of the grand jury, at every summer assizes, (so soon as the grand jury shall be sworn,) shall deliver all such affidavits as have been sworn at any sessions of such magistrates, together with the form of the presentments on such of them as shall have been approved of by the magistrates at any such sessions, to the foreman of such grand jury, and such grand jury shall proceed to take the same into consideration; and such of the said presentments as shall be disapproved of by such grand jury, shall be, forthwith, either altered or cancelled accordingly, and shall, by the secretary, be erased from or altered in the county or barony books; and such of

Copies of schedules inserted in county and barony books.

Copies printed and distributed before assizes.

Copy for judge and foreman of grand jury.

Copy for secretary's office.

s. 17.

Secretary to deliver to foreman of grand jury at assizes, the presentments approved at sessions, and affidavits relating thereto.

said presentments as shall be approved of by said grand jury shall be sanctioned, conformably to such approval, by the signature of the foreman of such grand jury; and it shall be lawful for any grand jury to make any present-

Grand juries at assizes may approve of presentments disapproved of at sessions, or modify the same.

ment in respect of any road or public work, the particulars of the proposals relating to which shall be entered in such printed schedules, although any such proposal shall have been disapproved of by the magistrates at sessions; and also to present any smaller sum to be expended, or any less number of perches of road to be made, widened, or repaired, or any less number of perches of fences to be made, or at a smaller rate by the perch, than may be required or set forth in any affidavit and estimate on which any presentment shall be grounded, or to present a part only of any sum required, according to the discretion of such grand jury. By s. 18. no presentment shall be

s. 18.

Presentments may be granted though particulars not specified in schedules, when they cannot be ascertained at time required.

taken into consideration by the grand jury, nor be fiated by the court, for any of the purposes aforesaid, unless the particulars of such proposed presentments shall be entered in such printed schedules; such presentments, &c. only excepted as grand juries may present, the particulars of which, and the amount whereof, cannot be ascertained under the provisions of this act, until after the times respectively herein specified as aforesaid, or until after the grand jury shall have been impanelled at the assizes; all which presentments, &c. may be presented, although not specified in such schedules, and although no particulars of the same shall have been delivered in manner required by this act with respect to other presentments: provided that if it shall appear by the oaths of 2 credible persons, who occupy and pay cess for 10 acres of ground within such county, and by the certificate of the county surveyor, in any county where such surveyor shall be appointed, that any road, bridge, or part of a bridge, or pipe, arch, gullet, or wall, shall have been damaged by sudden accident, after such schedule shall have been printed, and that it is absolutely necessary to rebuild or repair the same before the next assizes, then it shall be lawful for the grand jury to present such sum as may be sufficient to rebuild such

Grand juries may present money to repair sudden damage, though particulars not printed in schedules.

such bridge, &c. and for the court to fiat such presentment, although the particulars of such presentment shall not have been printed in such schedule; and provided that it shall be lawful for the grand jury, at any spring or summer assizes, to present any sum sufficient for the repair of any road, or the carrying on of any public work, upon the certificate of the county surveyor, (if appointed,) that such repair is absolutely necessary, or that greater expense would be, in the opinion of such surveyor, incurred by the delay of such public work, and on the certificate of 2 magistrates approving of the amount of the sum proposed to be expended.

So also upon certificate of surveyor that a sum is absolutely and immediately necessary, &c.

By s. 19. it shall be lawful for any grand jury, at any summer assizes for any county in which no county surveyor shall be appointed, to present any sum of money not exceeding £20. to be raised off such county, as remuneration to the clerk of the peace for his attendance at the preceding general quarter sessions, and for executing the duties required by this act, where no such surveyor shall be appointed; and it shall be lawful for any grand jury to present any sum in the way of salary, or other allowance, for the remuneration of any person holding or executing, or having held or executed, any office for which such salary, &c. is claimed, as well at any spring as summer assizes; but no presentment shall be made for any such person, unless there be an affidavit of such person prefixed to the form of such presentment, when laid before the grand jury, sworn before a justice of peace in presence of the grand jury, setting forth, that such officer, for whom the money is required, hath diligently and faithfully executed the duties of his office, as prescribed by law, since the preceding assizes; and that he has entered into all such recognizances for the due and faithful execution of his office, which by any law he is required to do, to the best of his knowledge and belief, specifying the names of the respective sureties; and no application shall be made for any presentment for any salary or remuneration, which might have been applied and presented for at any previous assizes, unless the person making such application shall

s. 19.

Grand juries may present £20. to clerk of the peace for doing the duty of surveyor.

Salaries of officers may be presented at either spring or summer assizes, upon taking the oath herein prescribed.

Application to be made at the assizes after salary becomes due, or delay accounted for.

make

make an affidavit stating some reasons, satisfactory to the grand jury, why such application was not made at such previous assizes; and if any application for such salary, &c. shall be refused by the grand jury at any assizes, on account of any neglect or misconduct in office of the party making such application, it shall not be lawful for any subsequent grand jury to make any presentment for such salary, &c. in respect of any period previous to the assizes at which such application was rejected.

s. 20.

Accounts of the expenditure of money presented for making roads, to be delivered, &c. 6 weeks before sessions in April or July.

Accounts verified at such sessions by affidavit of attending overseer attested by 2 justices, and signed by county surveyor.

Accounts so verified and examined to be transmitted to the secretary of grand jury.

By s. 20. all accounts of the expenditure of money presented for the making or repairing of any road, or executing any other public work within any barony or half barony of any county, or within any county of a city or town, shall be delivered, by or on behalf of the party accounting, to the county surveyor, in counties where such surveyor shall be appointed, or to the clerk of the peace in counties where no such surveyor shall be appointed, 6 weeks at least before the first day of the several general quarter sessions to be holden for the purposes of this act, in and for every district of such county, &c. in the months of April or July respectively, next after the summer assizes at which such presentments shall have been made; and at every such sessions all such accounts, and all vouchers relating thereto, shall be verified by the affidavit of the attending overseer appointed by the grand jury, and shall be examined, in open court at such sessions, by the county surveyor, in counties where such surveyor shall be appointed; and all such affidavits shall be sworn in open court, and attested by 2 justices of the peace attending at such meeting, in the presence of each other; and all such accounts, and all affidavits relating thereto, shall be signed by the county surveyor who shall have examined the same, where there shall be such county surveyor, and shall be forthwith transmitted or delivered to the secretary of the grand jury by such county surveyor or by the clerk of the peace where no such surveyor shall be appointed, to be proceeded upon by such grand jury at the ensuing summer assizes, in such manner as is now required by law with respect to accounting affidavits laid before

before grand juries. And by s. 21. no affidavit accounting s. 21.
for the execution of such public works as aforesaid, shall Surveyor to cer-
be allowed by the grand jury or court at any assizes for tify at foot of
any county in which a county surveyor shall be appointed, affidavits that
unless such surveyor shall have previously certified, at the work has been
foot of such affidavit, that in his opinion such work has executed faith-
been executed faithfully and honestly, according to pre- fully, and in
sentment; and in case of the repairs of any road, every case of repairs
such affidavit shall state, and such surveyor shall certify at of roads, that
the foot thereof, that he is satisfied that the parts of the the parts re-
road repaired were the worst, and such as most required paired were those
repair, between the given points specified in such affidavit. requiring them
By s. 22. it shall be lawful for any person occupying or s. 22.
paying cess for 10 acres of ground, to appear at any Persons paying
such assizes, and to offer to controvert the truth of any cess for 10 acres
accounting affidavit there produced, on the ground of the of ground may
insufficiency of the execution of the work to which such traverse the ac-
affidavit shall relate, provided he shall have given notice counting affi-
of his intention so to do, to the accounting overseer, davits.
before the first day of such assizes; and the court shall
try the truth of the facts alleged in controversion of the
truth of such affidavit, by a jury, in the same manner as
any traverse of any action within the jurisdiction of such
court ought to be tried at such assizes; and in case the
truth of such facts shall be found, the accounting affida-
vit shall be disallowed accordingly; and the clerk of the
crown, or clerk of the peace, or any other persons, shall
not take any fee in respect of such traverse, exceeding the
smallest sum which may be taken by law upon any traverse Fees upon tra-
within the jurisdiction of such court; and it shall be law- verses.
ful for the court before which such trial shall be had, to
give such costs either to the party controverting such affi-
davit, in case such affidavit shall be disallowed, or to the Costs thereof.
accounting overseer in case such affidavit shall be allowed,
as such court shall think fit. By s. 23. whenever any sum s. 23.
of money heretofore presented, or hereafter to be pre- Money not ac-
sented to be raised off any county, &c. shall not be expended counted for
agreeable to such presentment, and accounted for within within 2 years,
2 years after such presentment shall have been made, the to be represented
grand for other pur-
poses.

grand jury of such county, &c. shall again present such sum of money to be applied to other purposes, and in like manner present any saving on any presentment to be expended on some other work within the barony, or half barony, upon which the former sum or such saving was presented to be raised, or within the county, if raised on the county at large : provided, that where sums are presented to be raised by instalments for executing any public works, it shall not be imperative on the grand jury again to present such sums for other purposes in manner aforesaid.

Exception of money to be raised by instalments.

s. 24. By s. 24. where any barony within any county shall

Where parts of baronies are more than 5 miles distant, money may be presented, &c. as if distinct baronies. consist of 2 or more distinct and unconnected parts, being more than 5 miles distant from each other, and the grand jury shall think it expedient to consider such parts as separate baronies or half baronies, it shall be lawful for such grand jury to present any sums to be raised upon such barony, in such manner that a proportion may be raised on each of such unconnected parts, as if such parts were distinct baronies or half baronies ; and the same shall be levied accordingly.

s. 25.

Presentments for prosecuting persons swearing falsely in respect to presentments.

By s. 25. where upon any affidavit for grounding any presentment, or for accounting for public money, it shall appear to the grand jury that the person making such affidavit has been guilty of wilful and corrupt perjury, it shall be lawful for the grand jury, with the consent of the judge, to make such presentment for defraying the prosecution of such delinquent, as to them may seem expedient.

s. 26.

Securities to be given for county treasurers, &c. to be approved of by attorney general, &c.

By s. 26. after the termination of the several spring assizes, 1818, it shall not be lawful for any person to act as treasurer of any county, &c. or as collector of any public money in any such county, &c. or in any barony or half barony, parish, townland, district or division of any county at large, unless the security to be given by such treasurer or collector, and their sureties, shall have been previously approved by his majesty's attorney or solicitor general for Ireland, or by one of his majesty's serjeants at law in Ireland, testified by an opinion in writing signed by one of such persons, signifying their having examined and approved such security, which opinion shall be laid before the

the grand jury, and the judge, at the ensuing assizes; nor unless such treasurers, &c. shall have given security, with 2 sureties, (in such sum as the grand jury shall require,) by recognizance to the king, conditioned for the due performance of their office, and duly accounting for all monies received by them on account of such county. And by s. 27. after spring assizes, 1818, it shall not be lawful for any person to be a treasurer of any county, &c. or collector of public money in such county, &c. or in any barony, who shall be a merchant or trader, or who shall act as a merchant, &c. at any time after he shall be appointed to be such treasurer, &c. or who shall not, when required by the grand jury at any assizes, make oath before them, setting forth that he is possessed of property of his own, to the full amount of the personal security which he is required to give by law upon undertaking the office of treasurer, &c. and that such property is over and above his just debts; and no act for the relief of insolvent debtors shall relieve or exonerate any such treasurer, &c. from the effect of the recognizance given by him, or prevent any such treasurer, &c. or his sureties, from being liable to the full amount of the recognizances severally entered into by them, unless such persons shall be specially named in such insolvent act. And by s. 28. no treasurer of any county, &c. shall compound for any sum to be raised on the public, nor shall make any deductions from any sums paid by him to any person but such as he shall duly account for; and if any such treasurer shall offend therein, or neglect to make up his accounts, or refuse or neglect to pay the amount of all such quæres as shall have been discharged, without fee or reward, or any deduction in the way of discount; or if any person shall act as treasurer, &c. without his security being approved as aforesaid, or without producing a certificate from the proper officer that his security has been duly recorded in the court of exchequer in Ireland, or shall act, directly or indirectly, as a merchant or trader, after he shall have been appointed treasurer, &c. he shall be fined by the judge of assize in such sum as he shall think fit, and shall be by him dismissed from such office of treasurer, &c. and be thenceforth

Two sureties to join in recognizance to the king.

s. 27.

No trader to be a treasurer, &c.

Oath as to property of treasurer.

Debt of treasurer, or sureties to county, not discharged by any insolvent act.

s. 28.

Judge of assize may fine treasurer for not paying presentments, &c.

Or for acting before security approved of, &c.

Or for acting as a trader.

s. 29.
Account of treasurer printed and prefixed to copies of undischarged quères.

forth rendered incapable of ever holding such office of treasurer. By s. 29. an accurate abstract of the account of every treasurer of a county, &c. stating all his receipts and payments from the preceding assizes, with the balance in the hands of such treasurer at the commencement of such account, shall be printed and prefixed to the copies of undischarged quères when printed after each assizes, with the full balance of the public money, then in the hands of such treasurer, stated at the foot thereof.

s. 30.
High constables not to be collectors of public money.

By s. 30. no high or chief constable shall be appointed by the grand jury of any county, &c. to be the collector of any public money to be raised within such county, &c. or in any barony or half barony, parish, townland, district, or division within any county at large; and no collector of any public money, who shall have been, or shall be appointed by the grand jury of any county, &c.

Collectors, &c. removable only for cause allowed by judge of assize.

shall be removed or displaced by any subsequent grand jury for such county, &c. unless for reasonable cause shown in open court, and allowed by the judge, at some assizes for such county, &c. By s. 31. the county rate in

s. 31.
County rate collected at same time as presentments.

every county shall be collected by two equal half-yearly payments, at such times as money presented at the several spring and summer assizes are collected.

s. 32.
Dublin excepted.

By s. 32. nothing in this act shall extend to the county or county of the city of Dublin, except so far as provided by s. 33 & 34. of this act. * And it is also provided

s. 36.

* By s. 33. all affidavits for presentments for forming, &c. or otherwise improving any road in the county of Dublin, and for building, repairing, or improving any bridge, &c. or other mason-work in said county; and all accounting affidavits of overseers appointed to keep the roads in repair and free from nuisances, are to be lodged 30 days before the first sitting day of each presenting term, with the acting secretary of the grand jury of said county; and such secretary shall keep an office open for the purpose, and forthwith after receipt of such affidavits cause schedules thereof to be printed, not exceeding 100 for each barony, except St. Sepulchre's and Donore, and to be ready for delivery at his office, 21 days before the first sitting day of each presenting term, to such magistrates and landholders in said county as shall apply for the same. And by s. 34. the grand jury of said county shall, at each presenting term, present the sum necessary for defraying the expenses for preparing and printing such schedules; provided an affidavit of the printer, stating his charge to be usual and reasonable, shall be laid before said grand jury; and provided that such printed copies shall have been ready for delivery as in s. 33. *supra*.

s. 35. that nothing in this act shall affect or alter any clauses, powers, or provisions contained in any special act of parliament, relating particularly to the erection or maintenance of any court house, sessions house, or county house, or to any gaol or prison in or for any county, &c. in Ireland. By s. 36. this act shall take effect from Nov. 1, 1817.

s. 35.

Special act, for erecting, &c. court houses, gaols, &c. not hereby repealed.

s. 36.

Commencement of this act.

Schedule, (A. No. 1.)

"I. *A. B.* of *C. D.* do swear, that I am seised and possessed of a freehold estate in fee simple, [*or in fee tail,*] in possession, of the annual value of £300; *or*, of a leasehold estate in perpetuity, [*or for life or lives, or, for a term of years not less than 20 years unexpired,*] of the annual value £500; *or* that I am heir apparent of *E. F.* who is seised or possessed of a freehold estate of the annual value of £600, [*or for a term of years not less than 20 years unexpired, of the annual value of £1000*]; and that such estate is situate in the parish of ; *or* that I am entitled to act as a magistrate for the county of the city of , [*or for the county of the town of* ,] according to the charter of the incorporation thereof, [*stating the particular qualification under which the magistrate shall claim to act, as the case shall require*]; and that in the execution of an act made in the 57th year of king George the third, intituled "an act to provide for the more deliberate investigation of presentments to be made by grand juries for roads and public works in Ireland, and for accounting for money raised by such presentments," I will truly, faithfully, and impartially, do and perform all such matters and things as I am authorized and required to do by the said act, without favour, affection, hatred, malice, or ill will, according to the best of my judgment, upon the information to be laid before me.

Form of oath of magistrates, at quarter sessions.

County, } Schedule (A. No. 2.)

"I having been duly approved surveyor of the county [county of the city, *or* county of the town] of , do swear, that I will diligently and faithfully execute the duty of a surveyor of the said county, [county of a city, *or* county of a town,] according to the rules and regulations of such office, as specified in and by an act passed in the 57th year of the reign of king George

Oath of county surveyor.

“ the third, intituled “ an act to provide for the more deli-
 “ berate investigation of presentments to be made by grand
 “ juries for roads and public works in Ireland, and for
 “ accounting for money raised by such presentments ;”
 “ and that I have not certified and will not certify my
 “ opinion upon any public work which shall be proposed
 “ to be executed within this county, or upon any public
 “ work after it has been executed, without having pre-
 “ viously carefully viewed and considered the same, con-
 “ formably to such certificates respectively ; and that in
 “ all matters which concern my duty as surveyor, I will
 “ impartially declare and certify the truth, the whole
 “ truth, and nothing but the truth ; and that in examining
 “ the accounts of public money expended in the said
 “ county, [county of a city, or county of a town,] I will
 “ execute the duties by the said act required, truly, dili-
 “ gently, and impartially, to the best of my skill, know-
 “ ledge, and belief, without favour or affection, pique or
 “ partiality ; and that I have not received, nor will receive,
 “ directly or indirectly, by myself or any other person,
 “ any fee, reward, profit or advantage, over and above
 “ the payment authorized by law. So help me God.”

*Damages occa-
 sioned by mak-
 ing, &c. post
 roads how pre-
 sented, &c.*

53 Geo. 3. c. 146.
 I.

P. 272. l. 24. The laws for improving and keeping in repair the post roads in Ireland, are further amended by the 53 Geo. 3. c. 146. I. which empowers grand juries to present for damages accruing to owners and occupiers of lands, &c. by the widening, &c. of old roads, or making new roads, to be raised off counties at large, or partly off the baronies, and partly off the counties at large ; and authorizes the lord lieutenant, &c. to order money to be advanced out of the consolidated fund to the treasurers of counties for such purposes.

*Powers of sur-
 veyors of bridges
 extended to
 bridges repaired
 by hundreds.*

54 Geo. 3. c. 90.
 E.

55 Geo. 3. c. 143.
 E.

P. 277. l. 3. By the 54 Geo. 3. c. 90. E. the powers of the 43 Geo. 3. c. 59. E. contained for the purchase of any land or ground for the purposes of said act, are extended to such building or erections as may be necessary to be purchased. And the provisions of said act are also extended to bridges, &c. repaired by hundreds or other divisions of counties. And these acts are amended by the 55 Geo. 3. c. 143. E. which empowers the surveyors of county

county bridges, &c. with the consent of 2 justices of peace, to take stones from any quarry in such counties, (except from quarries situate in gardens, &c.) making compensation for damage. And this act also enables justices of peace to contract for the repair of county bridges, &c. *Quarrying for stones; and contracting for repairs.*

The 52 Geo. 3. c. 110. E. recites the clauses (sections 13 & 14) of the 12 Geo. 2. c. 29. Eng. * which required a presentment by the grand jury at the assize, great sessions or general or quarter sessions of the peace, held for any county, city, &c. of the want of reparation of their bridges *52 Geo. 3. c. 110. E. Quarter sessions may appoint justices to superintend occasional repairs.*

[gaols, prisons, or houses of correction, ramparts, banks or cops, and other works to be repaired at the expense of such counties, &c.] before any money to be raised and collected in pursuance of that act, should be applied to the repair of such bridges, &c.; and to obviate the great inconvenience to the public which may be prevented by the timely and immediate repair of any inconsiderable damage, injury, defect, or sudden want of repair or amendment of the same, without the delay which must arise from the necessity of such presentment imposed by said act, this act therefore authorizes the justices, at their general quarter sessions, &c. to appoint 2 or more justices to superintend such repairs: And the justices at sessions are hereby empowered to contract with the commissioners or trustees of turnpikes, or with the surveyors of highways, for *Justices at sessions may contract for keeping in repair roads over bridges.*

the

* The general object of the 12 Geo. 2. c. 29. Eng. which is referred to by this act, was to empower the justices of peace in England, within their respective limits, at their general or quarter sessions, to make one general rate for such sum as they should think sufficient to answer the purposes of the 22 Hen. 8. c. 5. 1. Ann. st. 1. c. 18. 11 & 12 W. 3. c. 19. 7 Jac. 1. c. 4. 43 Eliz. c. 2. 14 Eliz. c. 5. and 19 Car. 2. c. 4. (which respect the repairing and amending of bridges and highways, the building and repairing of gaols, the relief of the poor, and the conveying or maintaining of rogues and vagabonds,) instead of the several distinct rates directed thereby; such rate to be assessed upon every town, parish or place, in such proportions as the rates theretofore raised had been assessed; and such assessments to be assessed by the high constables of the respective hundreds and divisions. And this act was extended to the justices of liberties and franchises by the 13 Geo. 2. c. 18. Eng. And by the 22 Geo. 3. c. 17. Eng. the churchwardens or overseers of any parish or place supposed to be over-rated, were allowed to appeal from such county rate to the justices for the county at their next general quarter sessions.

the keeping in repair the roads over county bridges, and of so much of the roads at the ending thereof as by law is to be repaired at the expense of such counties, &c.

Powers of grand juries in respect to toll-bridges enlarged.

53 Geo. 3. c. 77. I.

P. 277. l. 39. The 53 Geo. 3. c. 77. I. extends the provisions of the 19 & 20 Geo. 3. c. 41. Ir. to portcullis or lifting bridges, and amends it by investing the treasurers of counties where toll bridges shall be built, with powers for enforcing the due performance of contracts for building such bridges, and also the keeping such bridges in repair, and also by empowering grand juries to redeem the tolls at any time, on giving a year's notice. But this act provides that no ship shall pay any toll for passing through portcullis bridges.

Overseers of the poor chosen.

54 Geo. 3. c. 91. E.

P. 278. l. 24. The 54 Geo. 3. c. 91. E. provides, that the appointment of overseers of the poor shall, in every year, be made on the 25th day of March, or within 14 days after, in the same manner as directed by the 43 Eliz. c. 4. Eng. to be made in Easter week. And the 52 Geo. 3. c. 73. E. has extended the powers of the guardians of the poor in respect to the amount of the annual assessments to be made and levied for their support and maintenance: and so much of the 36 Geo. 3. c. 10. Eng. as limits the amount of such assessments, is thereby repealed.

Certain indentures, and certificates of settlement made valid.

54 Geo. 3. c. 107. E.

P. 280. l. 21. The 54 Geo. 3. c. 107. E. provides, that indentures for binding poor apprentices, and all certificates of the settlement of poor persons signed and executed by persons acting as churchwardens or chapelwardens, and by overseers of the poor, for or in respect of the township, hamlet, or chapelry, binding such apprentices, or granting such certificates of settlement, shall be as valid as if signed, &c. by the churchwardens, &c. of the parish wherein such township, &c. is situate. And the 56 Geo. 3. c. 67. E. may be here referred to, which provides, that such officers, mariners, and soldiers, and marines, as have been employed in the king's service since June 22, 1802, and have not since deserted, or who have since served 5 years in the militia, or fencible regiments, and have been honourably discharged, may set up and exercise trades in any part of the kingdom; and they, or their wives and children, shall not be removable to their last

56 Geo. 3. c. 67. E.

Certain soldiers and mariners not removable till chargeable.

legal

legal place of settlement, until they become actually chargeable to the parish or place where they shall so come to reside.

P. 283. l. 27. The 56 Geo. 3. c. 129. E. has repealed certain enactments in local poor acts, passed since the commencement of the reign of king George I. in respect to the apprenticing poor children, and hiring out poor persons, &c. and contains this humane provision, that it shall not be lawful for any governor, director, guardian, or master of any house of industry or workhouse, on any pretence, to chain, or confine by chains or manacles, any poor person of sane mind. *Local poor acts meliorated. 56 Geo. 3. c. 129. E. Chains or manacles prohibited.*

The statutes 33 Geo. 3. c. 54. Eng. 35 Geo. 3. c. 111. Eng. 43 Geo. 3. c. 111. G. B. and 49 Geo. 3. c. 125. G. B. and the 36 Geo. 3. c. 58. Ir. which encourage and protect friendly societies instituted for the mutual relief and maintenance of the several members thereof in old age, sickness and infirmity, or for the relief of the widows and children of deceased members; and the 57 Geo. 3. c. 105. I. and 57 Geo. 3. c. 130. G. B. which were passed for the encouragement of certain provident institutions or banks, for the safe custody and encrease of small savings belonging to the industrious classes of his majesty's subjects, may be here also referred to. *Friendly societies. Saving banks.*

P. 286. l. 18. The 57 Geo. 3. c. 106. I. provides, that it shall be lawful for the lord lieutenant, &c. of Ireland, with the consent of the privy council, to order that any number of asylums for the lunatic poor in Ireland, shall be established in and for such districts as to them shall seem expedient; and that every such district shall consist of the whole of 2 or more counties, or of one county or more, and one or more county or counties of cities or towns, but shall not include part only of any county, county of a city, &c. and that all lunatic poor within every such district, shall be maintained in the asylum belonging to such district; and that every such asylum shall be sufficient to contain such number of lunatic poor, not being less than 100 nor more than 150, in any one asylum, as shall seem expedient to the lord lieutenant, &c. and privy council; and every order of council for such purpose shall be published in *Lord Lieutenant and council of Ireland empowered to establish asylums for lunatic poor. 57 Geo. 3. c. 106. I.*

s. 2.

*Grand juries
authorized to
present for
building and
maintaining
such asylums.*

in the Dublin Gazette. By s. 2. after any such order shall be so published, it shall be lawful for the grand juries of the several counties, &c. within any such district, at any assizes, to present such sum or sums of money to be raised off such counties, &c. as shall be requisite for defraying the expenses of erecting and establishing such asylums, and for maintaining the same, to such amount, and in such proportions, as shall be directed by any order to be made by the lord lieutenant, &c. and council. And by s. 3. it shall

s. 3.

*Money may be
advanced out of
consolidated
fund for this
purpose.*

be lawful for the lord lieutenant, &c. and council, to order any sum to be advanced out of the consolidated fund arising in Ireland, at such times, and in such manner and proportions, and under such regulations and conditions, as to them shall seem best; and after any such asylum shall be fit for the reception of such lunatic poor, the grand jury of every county, &c. within the district, &c. shall present such sum, at the several ensuing assizes, for the repayment of the money so advanced, and at such times, and in such proportions, as shall be directed by the lord lieutenant or other chief governor or governors of Ireland. And by

s. 4.

*Governors and
commissioners
appointed by
lord lieutenant,
but to act gra-
tuitously.*

s. 4. it shall be lawful for the lord lieutenant, &c. and council, to appoint such persons as they shall think fit, to be governors or directors of every such asylum in any such district, and also to appoint any persons not exceeding eight, to be commissioners for general control and correspondence, and for superintending the erection and regulation of such asylums; and it shall be also lawful for the lord lieutenant, &c. and council to make, frame, and establish, or, upon the recommendation of such commissioners, to adopt and authorize any rules for the conduct of such asylums in general, or of any such asylum in particular: provided that every person who shall be so appointed governor or director, or commissioner, shall act without salary or other emolument. The 55 Geo. 3. c. 107.

55. Geo. 3. c. 107.

*I.
Richmond luna-
tic asylum.*

I. by virtue of which an asylum or hospital for the reception and management of lunatic patients, called "The Richmond lunatic asylum" hath been erected in Dublin, may be here also referred to.

*Salaries of sur-
geons of hospi-*

P. 287. l. 37. The 54 Geo. 3. c. 62. I. has amended the several acts for erecting or establishing public infirmaries
or

or hospitals in Ireland, &c. so far as relates to the surgeons and apothecaries of such infirmaries, &c. by authorizing the grand juries of several counties, &c. to present an additional sum not exceeding £100 to augment the salary to which any surgeon is entitled under the 5 Geo. 3. c. 20. Ir.

als may be augmented.

54 Geo. 3. c. 62. I.

This act also authorizes the appointment of a surgeon and apothecary to such second or additional hospital, &c. as it shall be deemed expedient to establish within any county, provided it be not built within 10 miles of the other. And this act also provides, that the governors of hospitals may, if they should deem it most economical, procure their medicines from the apothecaries' hall in Dublin, or from any wholesale dealer in medicines, and allow a salary not exceeding £30. for the compounding of such medicines.

Where additional hospitals deemed necessary, surgeons and apothecaries appointed.

Proviso as to procuring medicines.

P. 288. l. 2. The 54 Geo. 3. c. 112. I. recites the 47 Geo. 3. st. 1. c. 44. I. and that it is expedient to extend the said act to all counties in Ireland, and to encrease the amount of the sum to be presented by grand juries for the encouragement of fever hospitals; and therefore enacts,

Provisions of former act for encouragement of fever hospitals, extended.

54 Geo. 3. c. 112. I.

that whenever any fever hospital has been or shall be established in any county, county of a city, or county of a town, in Ireland, it shall be lawful for the grand jury of such county, &c. at any spring or summer assizes, to present such sum, not exceeding £250. at each such assizes, as shall appear to said jury, and to the judge at such assizes, to be necessary for the support of such fever hospital; and such sum shall be raised off the county at large, or county of a city or county of a town, and levied and applied accordingly. Provided (s. 2.) that before any such presentment shall be made, an account of the receipt and expenditure of such fever hospital, from the time of its establishment to the time of the first presentment required, and afterwards, from the time of each presentment, till the time when any further presentment is required, shall be laid before such grand jury; and if such grand jury are not satisfied with such account, it shall be lawful for them to refuse to make any such presentment.

s. 2.

Proviso.

Of the People, whether Aliens, Denizens, or Natives.

Papists, &c. holding offices &c. under the 33 Geo. 3. c. 21. Ir. not liable, while in England, or in the navy, or Jersey or Guernsey, to the penalty of the 25. Car. 2. c. 2. Eng.

53 Geo. 3. c. 128. I.

s. 2.

Papists, &c. taking commissions in the army, in Ireland, and qualifying under 33. Geo. 3. c. 21.

P. 304. l. 9. The 53 Geo. 3. c. 128. I. recites the 33 Geo. 3. c. 21. s. 7. & 14. Ir. (here stated,) and that doubts have been entertained whether, notwithstanding said recited act, persons holding civil or military offices, or places of trust or profit, granted to them in Ireland, by virtue of said recited act, may not be rendered liable, whilst in England, Wales, or Berwick upon Tweed, or in his majesty's navy, or in the islands of Jersey or Guernsey, to the pains, penalties, forfeitures or disabilities, enacted by the 25 Car. 2. c. 2. Eng. intitled "an act for preventing dangers which may happen from popish recusants;" and declares and enacts, that such of his majesty's popish or Roman catholic subjects as hold, exercise, and enjoy any civil or military offices, or places of trust or profit, or other office or situation granted to them in Ireland, under the 33 Geo. 3. c. 21. Ir. and who shall have taken the oaths and declaration required by said act, shall not, in respect of any such office, &c. be liable in England, &c. or in his majesty's navy, or in Jersey or Guernsey to any of the pains, &c. enacted by the 25 Car. 2. c. 2. Eng. and shall also be exempt from all pains, &c. in the said several places last mentioned, for not making, taking, and subscribing the oaths of allegiance, supremacy, or abjuration, or for not making, &c. the declaration required to be taken to enable any person to hold any office or place of trust or profit, or for not receiving the sacrament of the Lord's supper according to the rites of the church of England. And by s. 2. if any of his said majesty's popish, &c. subjects, having duly taken the oaths and declaration required by this act, shall take or have taken, in Ireland, a commission in his majesty's army, and shall afterwards take a higher commission in Great Britain, within the intent

tent of said act; or if any person having enlisted as a private in any regiment in Ireland, or being a non-commissioned officer in such regiment, shall afterwards take or have taken a commission in the said or any other regiment in Great Britain, and shall have duly taken the oaths and declaration required by the said act, such person shall not in respect of any such commission, be liable in England &c. or his majesty's navy, or in Jersey or Guernsey, to any of the pains, &c. enacted by the 25 Car. 2. c. 2. Eng. and shall be also freed from any pains, &c. in the said several places last mentioned, for taking, &c. the oaths of allegiance, supremacy, or abjuration, or for not making and subscribing the declaration required to be taken to enable any person to hold any office or place of trust or profit, or for not receiving the sacrament of the Lord's supper according to the rites of the church of England.

Ir. and afterwards taking higher commissions in England, not liable to penalties of 25 Car. 2. c. 2. Eng.

So also as to privates or non-commissioned officers appointed to commissions.

Of the Clergy.

P. 311. l. 13. The 57 Geo. 3. c. 99. E. & W. recites the 21 Hen. 8. c. 13. Eng. 23 Hen. 8. c. 13. Eng. 13 Eliz. c. 20. Eng. 14 Eliz. c. 11. Eng. 18 Eliz. c. 11. Eng. 43 Eliz. c. 9. Eng. 3. Car. 1. c. 4. Eng. 43 Geo. 3. c. 84. E. 43 Geo. 3. c. 109. E. 12 Ann. st. 2. c. 12. Eng. 36 Geo. 3. c. 83. Eng. and 53 Geo. 3. c. 149. E. and repeals so much of the said acts of king Henry VIII. queen Elizabeth, and king Charles I. as relates to spiritual persons holding farms, and to leases of benefices and livings, and to buying and selling, and to residence of spiritual persons on their benefices; and also so much of the said recited act of queen Anne, and of the 36 Geo. 3. c. 83. as relates to the maintenance of curates within the church of England, and making provision for appointing stipends for such curates, and all the said several other recited acts passed in the reign of his present majesty: and by s. 2. enacts, that it shall not be lawful for any spiritual person having or holding any dignity, prebend, canonry, benefice, or any stipendiary

Former acts relating to spiritual persons holding of farms, and enforcing residence, and maintenance of curates, repealed. 57 Geo. 3. c. 99. E. & W.

s. 2.

Spiritual persons not to farm above 20

*acres, without
consent of
bishop.*

*Penalty 40s.
per acre.*

*s. 3.
Spiritual per-
sons trading
forfeit value of
goods, and con-
tracts void.*

*s. 4.
What buying
and selling by
schoolmasters,
tutors, or other
spiritual per-
sons, excepted
and allowed.*

pendiary curacy or lectureship, to take to farm, for occupa-
tion by himself, by lease, grant, words, or otherwise, for
term of life or years, or at will, any lands, exceeding in
amount in the whole 80 acres, for the purpose of occupy-
ing or using or cultivating the same, without the consent
in writing of the bishop of the diocese in which such dig-
nity, &c. shall be locally situate, specially given for that
purpose; and every such permission to any spiritual person
to take to farm any greater quantity of land than 80 acres,
shall specify the number of years, not exceeding 7, for
which the permission is given: and every such spiritual
person who shall, without such permission, take to farm
any greater quantity of land than 80 acres, shall forfeit, for
every acre of land above the said 80 acres so taken to farm,
40s. for every year during which he shall so occupy, use,
cultivate, or farm such land, contrary to the provisions of
this act, to be recovered by and to the use of any person
who may inform and sue for the same. And by s. 3. no
spiritual person having or holding any dignity, &c. shall,
by himself, or by any other for him or to his use, engage
in or carry on any trade or dealing for gain or profit, or
deal in any goods, wares or merchandize, by buying and
selling for lucre, gain or profit, in any market, fair, or
other place, upon pain of forfeiting the value of the goods,
&c. so bargained and bought to sell again contrary to this
act; and every bargain and contract so made by him, or
by any to his use, in any such trade or dealing, contrary to
this act, shall be utterly void; and the one half of every
such forfeiture shall go to his majesty, and the other half
to him that will sue for the same. But by s. 4. nothing in
this act contained in relation to being engaged in trade or
dealing, or buying or selling, shall extend to, or subject to
any penalty or forfeiture, any spiritual person for keeping
a school or seminary, or acting as a schoolmaster, tutor or
instructor, or being in any manner concerned in giving
instruction or education for profit or reward, or for buying
or selling, or doing any other act or thing in the conduct
of or carrying on, or in relation to the management of any
such school, &c.; to any spiritual person for the buying of
any

any goods or articles of any description, which shall, without fraud or covin, be bought to the intent, at the buying thereof, to be used and employed by the spiritual person buying the same for his family or in his household, and after the buying of any such goods, &c. the selling the same again, or any parts thereof, which such person may not want or choose to keep, although the same shall be sold at any advanced price, beyond that given for the same; or for any buying or selling again for any lucre or profit, of any manner of cattle or corn, or other matters necessary, proper or convenient to be bought, sold, kept or maintained by any spiritual person, or other person for him or to his use, for the occupation, manuring, improving, pasturage, or profit of any glebe, demesne, farms, lands, &c. which may be lawfully held and occupied by such spiritual person, or any other for him, or to his use; provided that nothing herein shall extend to authorize any such spiritual person to sell any cattle or corn, or other things as aforesaid, in person, in any market, fair, or place of public sale.

P. 326. l. 8. This act (57 Geo. 3. c. 99.) further provides, (s. 5.) that every spiritual person holding any benefice, who shall, without any such license or exemption, as is in this act allowed for that purpose, wilfully absent himself, for any period exceeding 3 months together, or to be accounted at several times in any one year, and make his residence and abiding at any other place, except at some other benefice, donative, perpetual curacy, or parochial chapelry, of which he may be possessed, shall, when such absence shall exceed such period as aforesaid, and not exceed 6 months, forfeit and pay one third of the annual value (deducting therefrom all outgoings, except any stipend paid to any curate) of the benefice, &c. from which he shall so absent himself; and when such absence shall exceed 6 months, and not exceed 8 months, one half of such annual value; and when such absence shall exceed 8 months, two thirds of such annual value; and when such absence shall have been for the whole of the year, three fourths of such annual value; to be recovered by action of debt,

s. 5.
Penalties for
non-residence.

How recovered.

debt, &c. in any court of record at Westminster, or the courts of great sessions in Wales, wherein no essoign, &c. shall be allowed; and the whole of every such penalty shall be paid to the person or persons who shall inform and sue for the same, together with such costs of suit as shall be allowed according to the practice of such court. And by

s. 6.

*Where no house
upon benefice,
what deemed
legal residence.*

s. 6. every spiritual person having any benefice, and who shall not have any house of residence thereon, and who shall have resided 9 months in the year within the limits of his benefice, or within the limits of the city, town, place, or parish in which his benefice may be situated, (provided such last-mentioned residence be within 2 miles from the church or chapel of his benefice,) shall not be liable to any penalties on account of non-residence, nor be obliged to take out any license in respect thereof, but the same shall be deemed a legal residence to all intents; and in all returns made by the bishops, persons so residing shall be returned as resident. And this act (s. 7.) recites, that the

s. 7.

*Houses pur-
chased by Go-
vernors of
Queen Anne's
bounty, deemed
residences.*

governors of Queen Anne's bounty have purchased, and may hereafter purchase houses not situate within the parishes for which they are purchased, but so contiguous as to be sufficiently convenient and suitable for the residence of the officiating minister; and therefore enacts, that such houses, having been previously approved by the bishop, by writing under his hand and seal, and duly registered in the registry of the diocese, shall be deemed houses of residence appertaining to such benefices. And by s. 8. in

s. 8.

*Residence of
vicar in rectory
house legal.*

all cases of rectories having vicarages endowed, the residence of the vicar in the rectory house shall be deemed a legal residence; provided that the vicarage house be kept in proper repair, to the satisfaction of the bishop. And

s. 9.

*Bishop may
appoint a house
of residence.*

by s. 9. it shall be lawful for the bishop, in every case in which there shall not be a house of residence belonging to any benefice within his diocese, to allow and adjudge any fit house within the limits of such benefice, and belonging thereto, or any fit house belonging thereto not within the limits, but so contiguous as to be sufficiently convenient for the purpose, to be the house of residence thereof; and such allowance, &c. in writing, under the hand and seal of

*How, and with-
in what limits.*

such

such bishop, shall, thereupon, be registered in the registry of the diocess; and such house shall, thenceforth, be deemed the house of residence for the time being. But by s. 10. no spiritual person being chancellor, vice-chancellor, or commissary of either of the universities of Oxford or Cambridge, or being warden, dean, provost, president, rector, principal, master, or other head ruler of any college or hall within said universities, and no spiritual person having or holding any professorship, or any public readership in either of said universities, being actually resident within the precincts of the university, and reading lectures therein; and no scholar under the age of 30 years, abiding for study, without fraud, at either of said universities; and no chaplain of the king or queen, or any of the king's or queen's children, brethren, or sisters, so long as he shall actually attend in the discharge of his duty, as such chaplain, in the household to which he shall belong; and no chaplain of any archbishop or bishop, or of any temporal lord of parliament, or of any other person authorized by law to appoint any chaplain, so long as such chaplain shall abide and dwell, and daily attend in the actual performance of his duty, as such chaplain, in the household to which he shall so belong; and no spiritual person actually serving as a chaplain of the house of commons, or as clerk of his majesty's closet, or as a deputy clerk thereof, or a clerk of the closet of the heir apparent, or deputy clerk thereof, or as a chaplain general of his majesty's forces by sea or land, or chaplain of his majesty's dock yards, while such spiritual person shall be actually attending and performing the duties of such office, or as a chaplain in the household of any British ambassador residing abroad, during the time of his performing the duties of such his office; or as chancellor or vicar general, or as commissary, whilst exercising the duties of their offices respectively; or as an archdeacon while upon visitations, or otherwise engaged in the exercise of his functions; and no spiritual person being a minor canon, or vicar choral, or priest vicar, or any such other public officer in any cathedral or collegiate church, during the times for which such spiritual person shall actually reside within the precincts of

such

s. 10.

*What persons
exempted from
the penalties for
non-residence.*

such cathedral or collegiate church, or within the city or town in which such church is situate, or the suburbs thereof, and shall actually perform the duties of his office; or as a dean or subdean, or priest or reader in any of his majesty's royal chapels at St. James's or Whitehall, or as a reader in his majesty's private chapels at Windsor or elsewhere, whilst residing and actually performing the duty of any such office; or as a preacher in any of the inns of court or at the rolls; or as bursar, treasurer, dean, vice-president, subdean, or public tutor or chaplain, or other such public officer, in any college or hall in either of the universities of Oxford or Cambridge, during the period for which he may respectively be required, by reason of any such office, to reside and perform the duties of any such office, and actually shall reside and perform such duties; or as public librarian or public registrar or proctor, or public orator, or other such public officer, in either of the said universities, during the period for which he may be required by reason thereof to reside and perform the duties of such office, and shall reside and perform such duties; or as fellow of any college in either of the universities, during the time for which he may be required to reside by any charter or statute, and shall actually reside therein; or as warden, provost, or fellow of Eton or Winchester college, or the master of the charter house, during the time for which he may be required so to reside, and shall actually reside therein; or within the city or town, or suburbs of the city or town within or near to which the said colleges are respectively situate; or as a master or usher in the said colleges of Eton or Winchester, or as a master or usher of Westminster school, or as principal or professor of the East India college; or who shall be specially exempt from residence, under any act of parliament not repealed by this act, shall be liable to any of the penalties or forfeitures in this act contained, for or on account of non-residence, during any such period as aforesaid, on any benefice; but every such spiritual person shall, with respect to residence under this act, be entitled to account such period as if he had legally resided on some other benefice. And by s. 11. it shall be lawful for any spiritual

spiritual person being dean, during such time as he shall reside upon his deanery, or being prebendary or canon, or holding any other dignity in any cathedral or collegiate church, who shall reside any period not exceeding 4 months altogether within the year upon such dignity, to account such residence as if he had legally resided on some benefice:

Dignitaries of cathedral churches residing upon their dignities, how far exempted.

provided that it shall be lawful for any spiritual person having or holding any prebend, canonry, or dignity in any cathedral or collegiate church, in which the year for the purposes of residence is accounted to commence at any other period than the first of January, and who may

Proviso where the year of residence at cathedrals does not commence on the 1st of January.

keep the periods of residence required for 2 successive years at such church, in whole or in part, between 1st January and 31st December in any one year, to account such residence, although exceeding 4 months in the year, as reckoned from the 1st January to 31st December, as if he had legally resided in some benefice. And by s. 12.

s. 12.

it shall be lawful for the bishop of the diocese in which any benefice shall be locally situate, to license any longer period of non-residence upon such benefice of any prebendary, canon, or other person holding any dignity in any cathedral or collegiate church, in any case in which it shall appear to such bishop, from his own knowledge, (if such church is situate within his own diocese, or if not by the certificate of the bishop of the diocese in which such church shall be situate,) to be required for the performance of any duties in any such church; provided that every such spiritual person shall, during such period, reside on such prebend, &c. But by s. 13. no spiritual person appointed to any prebend, canonry, or dignity, in any cathedral or collegiate church, before the passing of this act, shall be subject to any penalty or forfeiture for non-residence upon any benefice during the period of his actually residing upon such prebend, &c. By s. 14. every spiritual person

Bishop may license for a longer period, if the duties of the cathedral require it.

s. 13.

having any house of residence upon his benefice, who shall not reside thereon, shall, during such period of non-residence, whether the same shall be for the whole or part of any year, keep such house of residence in good repair; and every such spiritual person who shall not keep

Proviso as to prebendaries, &c. appointed before this act.

s. 14.

such

House to be kept in repair during non-residence, otherwise the penalties for non-residence incurred.

such house of residence in repair, and who shall not, upon monition issued by the bishop of the diocese in which the same shall be situate, put the same in repair, according to the requisition of such monition, within the time specified therein, to the satisfaction of the bishop of the diocese, and to be certified to the bishop upon such survey and report as shall be required by the bishop in that behalf, shall be liable to all penalties for non-residence, notwithstanding any exemption or license, while such house shall remain out of repair, and until repaired to the satisfaction of the bishop of the diocese.

s. 15.

Bishop may grant licenses for non-residence in certain cases enumerated.

But this act provides (s. 15.) that it shall be lawful for any bishop, upon application made for that purpose, by petition in writing, by any spiritual person, or by any proper person on behalf of any spiritual person having or holding any benefice locally situated within his diocese, upon such proofs as to any facts stated in such petition as such bishop may think necessary, and shall require by affidavit made before any ecclesiastical judge or his surrogate, or any justice of peace or magistrate, or any master extraordinary in chancery, which they are respectively required to administer, to grant in such cases as are in this act enumerated, in which, upon due consideration of all the circumstances so stated and verified, such bishop shall think fit to grant the same, a license in writing under his hand, expressing the cause of granting the same, to such spiritual person to reside out of the parish, or out of the proper house of residence of his benefice, for the purpose of exempting such person from any penalty, &c. in respect of non-residence thereon; viz: to any person who shall be prevented from residing in the proper house of residence, or in the parish, by any actual illness or infirmity of body of himself, or of his wife or child making part of and residing with him as part of his family; and also to any spiritual person having or holding any benefice whereupon or wherein there shall be no house of residence, or where the house shall be unfit for the residence of such spiritual person, such unfitness not being occasioned by any default, &c. of such spiritual person, and such spiritual person keeping such house in repair to the satisfaction of the bishop; and also to any spiritual

spiritual person having or holding any benefice, and occupying in the parish any mansion or messuage, to reside in such mansion, such spiritual person keeping the house of residence and other buildings belonging thereto, in good repair, and producing to the bishop proof to his satisfaction, at the time of granting and renewing any such license, of such sufficient state of repair; and also to any spiritual person having or holding any benefice of small value, and serving as a licensed stipendiary curate elsewhere, and providing for the serving of such his benefice to the satisfaction of such bishop; and also to any master or usher of any endowed school duly licensed by the bishop, and actually employed in teaching therein; and also to any master or preacher of any hospital or incorporated charitable foundation, during the period for which he may be required to reside by any charter or statute of any such hospital, &c. or other lawful authority in the same, and shall actually reside and perform his duties therein; or to any person holding any endowed lectureship, or endowed chapelry, or endowed preachership, and performing the duties thereof respectively with the license of the bishop in whose diocese he shall so officiate; or to any spiritual person having or holding any benefice of small value, and serving as preacher in any proprietary chapel, in any city or town, with the license of the bishop in whose diocese he shall so officiate; or to any spiritual person actually serving as chaplain in any of his majesty's garrisons, or as chaplain to the royal military asylum at Chelsea, or royal military college at Sandhurst, or as teacher of the royal military academy at Woolwich, or as chaplain at either of the royal hospitals at Greenwich or Chelsea, or as chaplain to either of the royal hospitals for seamen at Haslar or Plymouth, or as chaplain to the naval asylum, or in his majesty's navy, or as chaplain of his majesty's gaol of Newgate, or of the penitentiary at Milbank, or as chaplain of any British-factory, or as principal surrogate or official in any ecclesiastical court of any diocese, or as a librarian of the British museum, or of Sion college, or as one of the trustees of Lord Crewe's charity, during the time of personal attendance on the duties of such office respectively: provided that the spiritual person obtaining

any such license shall pay to the secretary or officer of the bishop 10s. exclusive of the stamp duty chargeable thereon: and provided that if any spiritual person applying to any bishop for any such license, shall think himself aggrieved by the refusal thereof, such person may appeal, to the archbishop of the province, who shall, forthwith, either by himself, or some commissioner or commissioners appointed from among the other bishops of his province, under his hand, make inquiry into the same, and by writing signed by himself confirm such refusal, or grant a license under this act, as shall seem proper: provided that the person so appealing shall give security to the bishop for the payment of such reasonable expenses occasioned by the appeal, as the archbishop, or his commissioner, &c. shall award. And by s. 16. it shall be lawful for any such bishop, in any cases not herein-before enumerated, (in which he shall think it expedient,) to grant to any spiritual person possessed of any benefice a license to reside out of the parish, or out of the proper house of residence, as the case may appear to such bishop to require, and to assign, in any case in which a stipendiary curate may be employed to do the duty of such spiritual person, such salary as he shall judge fit to appoint, due respect being had to the value of such benefice, and to all other circumstances of the case: and it shall be also lawful for any bishop, in case of the absence from the realm of any spiritual person, to grant any such license without any application made for that purpose, and to renew such license, and in every such case to appoint a stipendiary curate, in case no curate duly licensed shall be then employed in serving such benefice, and to assign a salary to such curate; or if any curate shall have been and shall be then so employed, to assign any additional salary to such curate; and in every of such cases to cause such salaries to be paid by sequestration of the profits of the benefice, provided that the special circumstances of every such case, and the reasons that have induced such bishop to grant such license, shall be forthwith transmitted to the archbishop of the province to which such bishop shall belong, who shall, forthwith, by himself, or by some commissioner

s. 16.

Bishops may also grant licenses in other cases not enumerated, and assign salaries to curates.

Reasons for granting them to be transmitted to archbishop of province.

sioner or commissioners appointed for that purpose from among the bishops of such province, by writing under his hand, examine into such case, and make such inquiries as to any particulars relating thereto, as such archbishop, &c. may think necessary; and after such inquiries made by himself, or where the same shall be made by such commissioner, &c. after a return of the substance thereof in writing to such archbishop, such archbishop shall thereupon allow or disallow such license, in the whole or in part, or make any alteration therein as to the period for which the same may have been granted, or otherwise, and likewise as to the stipend assigned to the curate, as to such archbishop shall seem fit; and no such license shall be effectual for any purpose, unless so approved by such archbishop, such allowance being signified by the signing thereof by such archbishop: provided that it shall not be necessary in such license to specify the cause of granting the same.

Inquiry thereupon.

By s. 17. no license granted under this act shall be made void by the death or removal of the bishop granting the same, unless revoked by the next or any succeeding bishop.

s. 17.

Licenses not void by death, &c. of bishop, unless revoked by successor.

By s. 18. every application made by or in behalf of any spiritual person holding any benefice, donative, perpetual curacy, or parochial chapelry, to the bishop of the diocese, for any license for non-residence, shall be in writing, and shall be signed by the person making the same, and shall state whether such spiritual person intends to perform the duty himself, and if he does, where and at what distance he intends to reside; or if he intends to employ a curate, the application shall state what salary he proposes to give, and whether the curate proposes to reside or not in the parish; and if the curate intends to reside, then whether in the parsonage house; and if not, at what distance therefrom, and at what place, such curate intends to reside; and whether such curate serves any other parish as curate or incumbent, or has any ecclesiastical preferment, or holds any donative, perpetual curacy, or parochial chapelry, or officiates in any other church or chapel; and such application shall also state the gross annual value of the benefice in respect of which any such license shall be applied for; and it shall not be lawful for the bishop to grant any

s. 18.

Applications for licenses shall be in writing and state the particulars herein mentioned.

such

such license, unless the application shall contain a statement of the several particulars aforesaid; and all such applications and specifications shall be kept and filed by the registrar of the diocese in a separate book, which shall be kept for that purpose; and such book shall not be open to public inspection, or disclosed, or copies thereof made, except with the leave in writing of the bishop of the diocese.

s. 19.

*Licenses how
granted while
see is vacant,
&c.*

By s. 19. during the vacancy of any see, the power of granting licenses under this act shall be exercised by the vicar general of the diocese; or in case such circumstances shall arise as shall disable the bishop from exercising in person the functions of his office, it shall be exercised by such person or persons as is or are lawfully empowered to exercise his general jurisdiction in the diocese. By s. 20.

s. 20.

*Licenses may
be revoked, sub-
ject to appeal to
archbishop.*

it shall be lawful for any bishop who shall have granted any license for non-residence as aforesaid, or for any successor of such bishop, to revoke any such license in any case in which it may appear proper: provided that any spiritual person may appeal against any such revocation in like manner as is herein-before directed in case of any refusal of any license: provided also, that it shall be lawful for any archbishop to whom such appeal shall be made, to order such reasonable fees and charges to be paid by any spiritual person so appealing, in respect of any such proceedings as aforesaid, as he shall think fit: provided also that no license for non-residence under this act, shall continue in force more than 3 years from the granting thereof; or after the 31st December in the second year after the year in which such license is granted. By s. 21.

s. 21.

*Copies of li-
censes or revo-
cations to be
filed in the re-
gistry of diocese.*

every bishop who shall grant or revoke any license for non-residence under this act, shall, within a month after the grant or revocation of such license, cause a copy of such license or revocation to be filed in the registry of his diocese; and an alphabetical list of such licenses and revocations shall be made out by the registrar of such diocese, and entered in a book, and kept for the inspection of all persons, upon payment of 3s. and no more; and a copy of every such license with respect to any benefice shall be transmitted by the spiritual person to whom the license is granted, to the churchwardens of the parish, township, or place to which the same relates, within a month after the

*Copies trans-
mitted to
churchwardens.*

grant

grant of such license; and every bishop revoking any license shall cause such revocation to be transmitted to the churchwardens of the parish, &c. to which it relates, which copies shall be by them deposited in the parish chest; and every registrar who shall neglect to enter the same, shall forfeit for every such neglect £5. to be recovered by any person who shall sue for the same, in like manner as any penalty may be recovered under this act; and a copy of every such license or revocation shall likewise be produced by the churchwardens, and publicly read by the registrar or other officer at the visitation of the ecclesiastical district, &c. next succeeding the granting or revocation thereof.

Penalty for default of registrar.

Copies of licenses, &c. read at next visitation.

By s. 22. every archbishop who shall in his own diocese grant any license, or who shall allow or approve, in manner directed by this act, any license in any case not enumerated in this act, shall annually, on or before the 31st January in each year, transmit to his majesty in council a list of all such licenses so granted, allowed or approved, in the year ending on the last day of December preceding such 31st January, and shall in every such list specify the reasons which have induced him to grant, allow, or approve the said licenses, together with the reasons transmitted to him by the bishops for granting such licenses in their respective dioceses; and it shall be lawful for his majesty in council, by an order made for that purpose, to revoke any such license; and such order shall be transmitted to the archbishop who shall have granted or allowed such license, who shall thereupon cause a copy of every such order, to be transmitted to the bishop of the diocese in which such license shall have been granted; and such bishop shall cause a copy of the mandatory part of the order to be filed in the registry of such diocese, and a like copy to be delivered to the churchwardens of the parish to which such license shall relate, in manner before-mentioned; and every such archbishop shall cause a copy of the mandatory part of every such order made in relation to any such license granted by him in his own diocese, to be in like manner filed in the registry of his diocese, and a like copy also delivered to the churchwarden of the parish, &c.: provided that after such license shall have been so revoked by his majesty in council, the same shall, in all

s. 22.

A list of licenses granted by archbishops, or allowed in cases not enumerated in this act, to be annually transmitted to the king in council, who may revoke any such license.

Such orders transmitted to archbishops, and notified to bishops and churchwardens.

Licenses valid between grant and revocation.

questions

s. 23.
*Annual returns
 to be made to
 king in council
 of residents and
 non-residents;*

*And of curates
 &c. and whether
 value of bene-
 fice exceeds
 £300 or not.*

*Non residents
 by exemption
 without license.
 shall yearly no-
 tify the same to
 bishop, &c.*

questions that shall have arisen or may thereafter arise touching the non-residence of the person to whom the same shall have been granted, between the period at which the same was granted or allowed, and the time at which the same shall be so revoked, be deemed to have been valid to all intents. By s. 23. on or before the 25th March in every year a return shall be made to his majesty in council, by every bishop, of the names of every benefice within his diocese, or subject to his jurisdiction by virtue of this act, and the names of the spiritual persons holding the same respectively who shall have resided, and also the names of those who shall not have resided thereon by reason of any exemption by virtue of this act, or by reason of any license granted by such bishop for any and what cause enumerated by this act, and also of all spiritual persons not having any such exemption or license, who shall not have resided on their respective benefices, so far as the bishop is informed thereof; and also the names of all curates licensed to serve any benefice on which the incumbent is not resident, and whether the gross annual value of such benefice amounts to or exceeds £300 *per annum*, or not, the amount of the curate's salary, and the place of his residence; and every spiritual person who shall be non-resident in any year subsequent to the passing of this act, by reason of residence on any other benefice, or of any exemption under this act, and to entitle him to which it is not necessary to obtain any license under this act, shall, within 6 weeks after the 1st January in every following year, notify the same in writing under his hand to the bishop of the diocese to whose jurisdiction he is subject by this act, or otherwise, in respect of such benefice, specifying the nature of such exemption, and whether the gross annual value of the benefice on which he is non-resident amounts to or exceeds £300 *per annum*, or not; and every spiritual person who shall have more than one benefice, and who shall reside on one of them, or who shall reside during any period of the year on any dignity, or in the performance of the duties of any office in any cathedral or collegiate church, or who shall be non-resident for any period of the year on account of any of the causes of temporary

porary exemption specified in this act, shall in like manner, and within the like period in each year, notify the same. And by s. 24. every spiritual person who shall neglect to make such notification as by this act is directed, within 6 weeks as aforesaid, shall forfeit for every such offence £20, to be levied, by order of the bishop of the diocese, by sequestration, (if not otherwise paid, after monition to pay the same,) out of the profits of the benefice, to be applied as such bishop may direct, to useful and charitable purposes: provided that such bishop may remit or order the repayment of any part of any such penalty, in like manner as is allowed by this act in cases of non-compliance with an order for residence. And it is provided (s. 25.) that nothing in this act shall exempt any spiritual person from any canonical or ecclesiastical censures, or affect any proceedings that shall hereafter be instituted in any ecclesiastical court in order to cause the same to be inflicted, in relation to the non-residence of any spiritual person having or holding any benefice, who shall not have obtained a license according to this act to be absent therefrom, nor have any other lawful cause of absence: provided that no proceeding be admitted in any ecclesiastical court against any spiritual person for non-residence not exceeding 3 months in any one year, at the suit or instance of any person other than the bishop of the diocese within which the benefice shall be situate.

s. 24.

Penalty for default of making such notification.

s. 25.

Proviso as to canonical censures for non-residence.

Where non-residence does not exceed 3 months, proceeding in ecclesiastical court by bishop only.

This act provides, (s. 26.) that in every case in which it shall appear to any such bishop, that any spiritual person, having or holding any benefice, and not being licensed according to this act to be absent therefrom, nor having any lawful cause of absence from the same, does not sufficiently reside, it shall be lawful for such bishop to issue or cause to be issued a monition to such person, forthwith to reside thereon, and perform the duties thereof, and to make a return to such monition within a certain number of days after the issuing thereof, so as that in every such case there shall be 30 days between the time of delivering such monition to such person, or leaving the same at his then usual or last place of abode, (or if not there to be found, with

s. 26.

If any uncensured person does not sufficiently reside, bishop may issue a monition.

*Copy thereof to
be filed.*

*Return to be
made, and up-
on oath if so
required.*

*If return be not
made, or be not
satisfactory,
bishops may se-
quester benefice
unless monition
complied with,
and direct the
application of
profits.*

with the officiating minister or one of the church-wardens, and also a copy thereof at the house of residence, if any such there be, belonging to such benefice,) and the time specified in such monition for the return thereto; and a copy of every such monition shall, immediately on the issuing thereof, be filed in the registry of such bishop's court, and shall be open for inspection on payment of 3s.; and the person to whom any such monition shall be sent shall, within the time specified for that purpose, make a return thereto into such registry, to be there filed; and it shall be lawful for the bishop to require such return, or any fact contained therein, to be verified by the oath of such spiritual person, or others, to be taken before some surrogate, or justice of the peace, or master extraordinary in chancery, which oath they are respectively required to administer; and where no such return shall be made, or where such return shall not state such reasons as shall be deemed satisfactory by such bishop for the non-residence of such spiritual person, or where the same, or any of the facts contained therein, shall not be so verified when required, then it shall be lawful for such bishop to issue an order in writing under his hand and seal, to require such person to reside as aforesaid, within 30 days after such order in writing, or a copy thereof, shall have been delivered or left, in like manner as is herein-before required as to monitions; and in case of non-compliance, it shall be lawful for such bishop to sequester the profits of such benefice, until such order shall be complied with, or such sufficient reasons for non-residence stated and proved as aforesaid; and to direct, by any order under his hand, and filed as aforesaid, the application of such profits, after deducting the necessary expenses of serving the cure, either in the whole, or in such proportion as he shall think fit, in the first place, to the payment of such reasonable expenses as shall have been incurred in relation to such monition and sequestration, and in the next place towards the augmentation or improvement of any such benefice, or the house of residence thereof, or any of the buildings and appurtenances thereof, or towards the improvement of any

any of the glebe or demesne lands thereof, or to order the same, or any portion thereof, to be paid to the governors of the bounty of queen Anne, for the augmentation of the maintenance of the poor clergy, to be applied for the purposes of such augmentation, as such bishop shall think fit; and it shall also be lawful for any such bishop, within 6 months after such order for sequestration, or within 6 months after any money shall have been actually levied by such sequestration, to remit any part of such sequestered profits, or cause the same, or any part thereof that shall have been paid or directed to be paid to the governors of queen Anne's bounty, to be repaid to such spiritual person, which repayment the said governors shall, upon an order under the hand of any such bishop, make out of any money then in their hands, or out of the next money that shall come to their hands, in any case in which, by reason of the subsequent obedience of any such spiritual person to any such monition or order, or the stating and proving such sufficient reasons as aforesaid, such bishop shall think the same proper: provided that when any such spiritual person shall think himself aggrieved by reason of any such sequestration issued by any bishop, it shall be lawful for such person, within one month after the order for sequestration, to appeal to the archbishop of the province, who shall, forthwith, either by himself, or some commissioner or commissioners appointed from among the bishops of his province under his hand and seal, make or cause to be made due inquiry into the same, and make such order therein or as to the profits so sequestered, for the return to such person of the same or any part thereof, or otherwise, as shall appear to such archbishop (after such inquiry by himself or by his commissioner, &c. and in the latter case, after the substance of such inquiry shall have been returned in writing to said archbishop,) to be proper: provided that the party so appealing shall give security to the bishop for the payment of such reasonable expenses occasioned by the appeal, as the archbishop or his commissioner, &c. shall award: provided also that no such order for any sequestration shall be put in force during such appeal. By s. 27. every spiritual person to whom

*Appeal against
sequestration
may be made to
the archbishop,*

*Appellant to
give security for
payment of the
expenses thereof.*

s. 27.

Persons complying with monition, shall notwithstanding pay costs, &c.

s. 28.

If any person returning to residence on monition, shall, before 6 months from such his return, absent himself, bishop may sequester profits, without monition, &c.

s. 29.

Bishops may punish past non-residence, as in case of non-compliance with order of residence.

any such monition or order in writing shall be sent under this act, who shall be at the time of issuing thereof absent from residence in or upon his benefice contrary to this act, but who shall, in obedience to such monition or order, forthwith return to due residence, and the profits of whose benefice shall, by reason of such return, not be sequestered, shall nevertheless pay all costs and expenses incurred by the issuing and serving such monition or order, to be levied as any costs may be levied upon any spiritual person by any bishop under this act. But by s. 28. if any spiritual person not licensed, &c. nor having other lawful cause of absence from his benefice, who, after any such monition or order, and before or after any such sequestration as aforesaid, shall, in obedience to such monition or order, have begun to reside, shall afterwards, and before the expiration of 6 months next after the commencement of such residence, without the leave of such bishop, wilfully, in the judgment of such bishop, absent himself from such benefice, it shall be lawful for such bishop, without issuing any other monition, or making any other order, again to sequester and apply the profits of such benefice, as before directed by this act, for the purpose of enforcing the residence of such person, according to the true intent of the original monition; and it shall be further lawful so to proceed from time to time as occasion may require; provided that in every of such cases, such spiritual person may appeal against such sequestration, in such manner and upon such terms as herein-before mentioned touching appeals respecting sequestration, but nevertheless the same shall be in force during such appeal. By s. 29. in all cases in which any spiritual person shall have been subject to any penalty or forfeiture for non-residence, it shall be lawful for the bishop to proceed against him for such past non-residence, and to levy the penalties incurred thereby, by monition and sequestration, and to direct the application thereof in like manner, and subject to the same regulations, and with like powers of remitting or ordering the repayment of any part of such penalties, as is directed or allowed in case of non-compliance with any

any order for residence. By s. 30. in every case in which any archbishop or bishop shall think proper, after proceeding by monition for the recovery of any penalty under this act, of more than one-third of the value of any benefice, for any non-residence exceeding 6 months in the year, to remit the whole or any part of said penalty, such archbishop shall forthwith transmit to his majesty in council, and such bishop shall transmit to the archbishop of the province, a list of such cases as have occurred in their respective dioceses, specifying the nature and special circumstances of each case, and the reasons for the said remission, in the same manner as is directed in relation to the licenses for non-residence granted in non-enumerated cases; and it shall thereupon be lawful for his majesty in council, or for the said archbishop, as the case may be, to allow or disallow such remission, in whole or in part, in the same manner as is provided in this act with relation to the allowance or disallowance of licenses for non-residence: provided that the decision of the archbishop, with respect to cases transmitted to him from any such bishop, shall be final. By s. 31. if the benefice of any spiritual person shall continue for 2 years under sequestration made under this act, for disobedience to the bishop's monition requiring such spiritual person to reside on his benefice, or shall under this act incur 3 such sequestrations in the space of 2 years, such person not being relieved with respect to any of such sequestrations upon appeal, such benefice shall become, *ipso facto*, void; and the bishop shall thereupon give notice thereof to the patron or person entitled to present, who shall thereupon present or nominate some clerk thereto, other than the spiritual person whose benefice shall have so continued under such sequestration, or who shall have incurred such sequestrations as aforesaid, as if the same had been avoided by the natural death or resignation of such spiritual person. By s. 32. all contracts or agreements made for the letting of the house of residence, or the buildings, gardens, orchards, and appurtenances necessary for the convenient occupation of the same, belonging to any benefice, in which house any spiritual person shall be required by order of

s. 30.

Penalties may be remitted by archbishops or bishops; but reasons thereof to be transmitted by bishop to archbishop, and by archbishop to king in council.

Archbishop's decision final in cases transmitted by bishop.

s. 31.

If any spiritual person shall continue under sequestration 2 years, or incur 3 sequestrations within that period, the benefice shall be void.

s. 32.

Contracts for letting house of residence, &c. of benefice, or assigned to curate by bishop, void.

the

*Penalty for over-
holding posses-
sion after the
day appointed
for spiritual
person to reside.*

*Possession how
recovered.*

*s. 33.
Spiritual person
not liable to
penalty while
tenant occupies,
&c.*

*s. 34.
No oath requir-
ed of vicar re-
lating to resi-
dence.*

the bishop as aforesaid to reside, or which shall be assigned as a residence to any curate by the bishop, shall, upon a copy of such order, assignment, or appointment, being served upon the occupier thereof, or left at the house, &c. be null and void, and a copy of every such order shall, immediately on the issuing thereof, be transmitted to one of the church-wardens of the parish, or such other person as the bishop shall think fit, and be by him forth-
with served on the occupier of such house, or left at the same: and any person continuing to hold any such house, &c. or appurtenances, after the day on which such person shall be directed by such order to reside in such house, or which shall be specified in any such assignment or appointment, and after service of such copy as aforesaid, or the same being so left as aforesaid, shall forfeit 40s. for every day he shall, without the permission of the bishop in writing, wilfully continue to hold such house, &c. together with the expense of serving such order, in case it shall have been deemed necessary specially to serve such order, to be allowed by the bishop issuing the order, or making such assignment, &c. as aforesaid, and to be recovered and applied in like manner as the penalties for non-residence are directed to be recovered, &c. by this act; and it shall also be lawful for the person so directed to reside, or curate to whom such residence is assigned, to apply to any justice of the peace or magistrate of the county, &c. or place, for a warrant for the taking possession thereof; and the justice of peace to whom any such order for possession is produced, shall thereupon give a warrant for such possession; and possession may, thereupon, be taken of such house under such warrant, at any time in the day-time, by entering the same by force, if necessary, without any other proceeding by ejectment or otherwise. But this act provides, (s. 33) that no spiritual person shall be liable to any penalties for not residing in any such house, during such time as such tenant shall continue to occupy such house, or other buildings necessary to the occupation of the same. And by s. 34. no oath shall be required of or taken by any vicar in relation to residence on his vicarage.

vicarage. By s. 35. no penalty or forfeiture shall be recovered by any proceeding or action against any spiritual person under the provisions of this act, other than those which such person may have incurred during the year ending on the 31st December immediately preceding the commencement of such proceeding, &c. And by s. 36. every penalty for non-residence under this act, in respect of which no proceeding shall have been had by monition before the 1st day of April next after the year in which the same shall have been incurred, may be recovered by action or suit in the manner by this act directed. By s. 37. no action of debt, bill, plaint, or information against any spiritual person, for the recovery of any penalties, &c. under this act, shall be commenced or filed in any court of record at Westminster, or court of Great Sessions in Wales, until the 1st day of May after the expiration of the year in which the alleged offence shall have taken place. And by s. 38. for all the purposes of this act the year shall be deemed to commence on the 1st day of January, and be reckoned therefrom to the 31st December, both inclusive: and (by s. 39.) the months shall be taken to be calendar months, except in any case in which any month or months are to be made up of different periods less than a month, and in every such case 30 days shall be deemed a month. By s. 40. no writ shall be sued out against, nor any copy of any process at the suit of any informer be served upon any spiritual person, for any penalty, &c. incurred under this act, until a notice in writing of such intended writ, &c. shall have been delivered to him, or left at the usual or last place of his abode, and also to the bishop of the diocese, by leaving the same at the registry of his diocese, by the attorney or agent for the party who intends to sue, or served one calendar month at the least before the suing out or serving the same; in which notice shall be clearly contained the cause of action, and the penalty for which such party intends to sue, and on the back of which notices respectively shall be indorsed the name of such attorney or agent, together with the place of his abode; and no such notice shall be given before the 1st day of April

s. 35.

Penalties not recoverable for more than one year's non-residence.

s. 36.

Penalties not levied under monition, may be recovered by action.

s. 37.

Actions for penalties not to be commenced before 1st May in the year after the offence.

s. 38.

Commencement, &c. of year.

s. 39.

Months how computed under this act.

s. 40.

Notice of action to be given to defendant and bishop a calendar month previous thereto.

How such notice shall be,

s. 41.

Service of such notice to be proved upon trial.

April in the year next after any such penalty shall have been incurred. And by s. 41. no plaintiff shall recover any verdict against any spiritual person for any penalty, &c. under this act, unless it is proved upon the trial of such action, that such notices were respectively given as aforesaid; but in default thereof such spiritual person shall recover a verdict with double costs. And by s. 42.

s. 42.

Evidence confined to cause of action specified in notice.

no evidence shall be permitted to be given by the plaintiff, on the trial of any such action, of any cause of action except such as is contained in the notices hereby directed to be given. By s. 43. any spiritual person against whom

s. 43.

Spiritual person may lodge money, by leave of court before issue joined.

any action shall be brought for any penalty, &c. under this act, may, by leave of the court in which such action shall depend, at any time before issue joined, pay into court such sum of money as he shall see fit; whereupon such proceedings, &c. shall be had as in other actions where the defendant is allowed to pay money into court. By s. 44. the court in which any action, &c. shall be de-

s. 44.

The court may require the bishop to certify the reputed annual value of benefice, &c.

pending for the recovery of any penalty, &c. for non-residence under this act, shall, upon application made for that purpose, require by rule or order of said court, or any judge thereof, the bishop of the diocess within which the benefice shall be situate, or to whom the same shall be subject according to the provisions of this act, to certify in writing under his hand to said court, and also to the party for that purpose named in said order, the reported annual value of such benefice; and upon such rule, &c. being left with such bishop, or the registrar of such bishop, such bishop shall accordingly certify such reputed annual value; and such certificate shall, in all subsequent proceedings upon such action, &c. be received as evidence of the annual value of such benefice, for the purposes of this act; without prejudice to such other evidence as may be offered respecting the actual value thereof. By s. 45. it shall be

s. 45.

License may be pleaded in bar of action; and defendant shall have full costs, if action discontinued, or double costs of verdict or nonsuit.

lawful for any spiritual person to whom any license for non-residence shall have been granted, and against whom any action shall be brought for any penalty, &c. by reason of non-residence, or any matter relating whereto any such license under this act has been granted, to plead such license

license in bar of any such action; and if the plaintiff shall discontinue any such suit, &c. after any plea of license shall have been pleaded thereto under this act, then the defendant shall have full costs of suit; and if a verdict shall be given for the defendant, or the plaintiff shall become nonsuit, the defendant shall have double costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law; and it shall be lawful for the court, or any judge thereof, upon any application made in that behalf, to order (if such court or judge shall deem it expedient,) that the plaintiff shall give security for such costs, and that all proceedings shall be staid until such security shall be given as to such court or judge shall seem fit. Provided (s. 46.) that if at the time of filing

s. 46.

any monition requiring any spiritual person to reside on his benefice, or to recover the penalties incurred by past non-residence, no notice of any action for such penalty, &c. shall have been already given in manner aforesaid, then no such action, &c. shall be afterwards brought for any penalty, &c. incurred by any non-residence of such person before the issuing of such monition, or during any proceedings that may be had under such monition; and if any such action, &c. shall be so commenced, the defendant therein may plead in bar thereof, that such a monition as aforesaid has issued in respect of the same benefice; and such defendant, unless upon application to the court the same shall be dispensed with, shall, upon

The issuing of monition may be pleaded in bar of action.

pleading such matter, file or cause to be filed an affidavit in said court, thereby stating the period specified in such monition, and that, according to the belief of the defendant, the bishop is proceeding upon the said monition, to the intent to make the same effectual to the intents and purposes of this act, otherwise such plea shall not be available. By s. 47. no penalty or costs incurred by any spiritual person by non-residence on his benefice, shall be levied by execution against the body of such person, whilst he shall hold the same or any other benefice, out of the profits of which the same can be levied by sequestration within the term of 3 years; and in case the body of

Such plea to be verified by affidavit unless dispensed with by court.

s. 47.

No penalty to be levied against the person, where it can be recovered by sequestration within 3 years.

such

such person shall be taken in execution for the same, the court in which the same was recovered, or any judge thereof, shall, upon application made for that purpose, discharge the party, in case it shall be made to appear to the satisfaction of such court or judge, that such penalty and costs can be levied as aforesaid.

s. 48.

If any spiritual person absent himself from benefice more than months without leaving a curate, &c. to perform duties, bishop may appoint a curate.

So if death, &c. of curate not notified in 3 months.

License for curate.

s. 49,

In what cases curate shall reside within the parish.

By s. 48. if any spiritual person holding any benefice, who does not or shall not actually reside thereon 9 months in each year, (unless such person shall do the duty of the same, having a legal exemption from residence, or a license to reside out of the same, or to reside out of the parsonage or vicarage house, or other usual house of residence belonging to the same) shall, for a period exceeding 3 months, absent himself from his benefice, without leaving a curate duly licensed or other spiritual person to perform, and who shall duly perform the ecclesiastical duties of such benefice; or shall, for the period of 3 months after the death, resignation, or removal of any curate who has served his church or chapel, neglect to notify such death, &c. to the bishop of the diocese, or to nominate to the bishop a proper curate, in every such case, and in every case in which no curate shall be nominated to the bishop for the purpose of being licensed by him within such period as aforesaid, the bishop may appoint and license a proper curate, with such salary as by this act is allowed and directed, to serve such church or chapel; provided that the license shall in every case specify whether the curate is required to reside within the parish or place, or not; and if the curate is permitted by the bishop to reside out of the parish, &c. the grounds upon which he is so permitted to reside out of the parish, &c. shall be specified in the said license; and the distance of the residence of any curate from any church, &c. which he shall be licensed to serve, shall not exceed 5 statute miles, except in cases of necessity, to be approved by the bishop and specified in the licenses. And by s. 49. in every case where a curate is appointed to serve a benefice upon which the incumbent is non-resident for more than 3 months in the year, from exemption, license, or otherwise, such curate shall be required by the bishop to reside within the parish; provided the gross value of such benefice amounts

amounts to £300. a year or upwards, and the population to 300 persons or upwards, or provided the population amounts to 1000 persons, whatever may be the value of such benefice; provided that whenever it shall be made out to the satisfaction of such bishop, that from special circumstances great inconvenience would arise from such curate being compelled to reside within the parish, it shall be lawful for the bishop to allow such curate to reside in some near and convenient place: provided also that the license to be granted to such curate, shall specify the special circumstances which have induced the bishop to allow such residence out of the parish, and shall be entered and filed in the registry of the diocese. By s. 50. whenever it shall appear to any bishop, either of his own knowledge, or upon proof by affidavit laid before him, that by reason of the number of churches or chapels belonging to any benefice within his diocese, or the distance of such churches, &c. from each other, or the distance of the residence of the spiritual person serving the same from such churches, &c. or any or either of them, or the negligence of such person holding the same, that the ecclesiastical duties are inadequately performed, such bishop may, by writing under his hand, require the spiritual person holding such benefice, to nominate to him a fit person or persons with sufficient stipend or stipends, to be licensed by him to perform or to assist in performing such duties, specifying therein the grounds of such proceeding; and if such person shall neglect or omit to make such nomination for the space of 3 months after such requisition, then it shall be lawful for such bishop to appoint a curate or curates, as the case shall appear to him to require, with such stipend or stipends as such bishop shall think fit to appoint, not exceeding in any case, in the whole, the stipends allowed to curates by this act, nor, except in the case of negligence, exceeding one half of the gross annual value of the benefice, although the spiritual person to whom such churches or chapels shall belong shall actually reside or serve the same: provided that it shall be lawful for any such spiritual person, who shall think himself aggrieved by any such appointment of such curate or curates, to appeal to the archbishop of the province to which such bi-

Bishop may under special circumstances license curate to reside out of parish.

s. 50.

Where ecclesiastical duties are inadequately performed, bishop may appoint a curate, if beneficed person shall not nominate one upon the requisition of the bishop.

Appeal to archbishop.

s. 51.

Bishops may enforce performance of church service.

shop shall belong, in such manner, and under such provisions, &c. as are allowed to any spiritual person thinking himself aggrieved by any sequestration issued by any bishop. By s. 51. in all cases where the bishop of the diocese shall deem it proper to enforce the performance of morning and evening service on Sundays, or any other service required by law in any parish church or parochial chapel, or the chapel of any extra-parochial place, it shall be lawful for such bishop to enforce the same by monition and sequestration, to be issued in the manner by this act provided. By s. 52. every bishop to whom any application

s. 52.

Statement of particulars required before license granted to curate.

Such statement to be filed, &c.

shall be made for any license for a curate to serve for any person not duly residing upon his benefice, shall, before he shall grant such license, require a statement of all the particulars by this act required to be stated by any person applying for a license for non-residence; and it shall not be lawful for any bishop to grant a license to any curate to serve the church or chapel of any person, upon any such application, until a statement of all such particulars shall have been delivered to him; and such statement shall be kept and filed, and preserved from public inspection, and disclosed only in like manner, and in such cases, as is before directed as to statements of persons applying for licenses for non-residence. And by s. 53. the bishop is required, subject to the several provisions and restrictions in this act, to appoint to every curate such salary as is specified in this act; and every license to be granted to a stipendiary curate under this act, shall specify the amount of the salary so allowed; and such license, or any copy of the registry thereof, signed by the registrar of the diocese, or his deputy, shall be evidence of the amount of the salary so appointed, in all courts of law or equity; and in case any difference shall arise between any rector or vicar, or person holding any benefice, and his curate: touching such stipend or allowance, or the payment or arrears thereof, the bishop, on complaint to him, shall summarily hear, &c. the same; and in case of wilful neglect or refusal to pay such stipend, &c. or the arrears thereof, he may proceed by monition and sequestration to sequester the profits of the benefice, for and until payment of such

s. 53.

Bishops shall appoint salaries to curates.

Differences between curates and rectors, &c. decided summarily by bishop.

such

such stipend, &c. or the arrears thereof: provided that the curate obtaining any such license shall pay to the ^{Fees of secretary, &c.}

secretary or officer of the bishop, £1. exclusive of any stamp duty which may be chargeable thereon; which sum of £1. shall be in remuneration of all fees now demandable by said secretary, &c. for obtaining such license, or for the signature of any declaration by said curate in consequence of such license, or of any certificate of such curate having signed such declaration; and provided also, that as often as any person shall be licensed to 2 or more curacies within the same diocess, at one and the same time, it shall be sufficient for such person to sign one declaration only, appointed to be signed by an act intituled "An Act of Uniformity;" and also it shall be sufficient for such person to produce one certificate only of his having so signed such declaration before the bishop of the diocess.

By s. 54. it shall be lawful for the bishop to appoint for the curate any stipend, &c. not exceeding £75. *per annum*, and also the use of the house of residence, with the gardens and stables belonging thereto, or a further sum of £15. in lieu of the use of the rectory or vicarage house, or other houses of residence, in case there shall be no house, or it shall not appear to the bishop convenient to allot or assign the house to the curate, in respect of any benefice to which the person holding the same was instituted or appointed before 20th July, 1813; but it shall not be lawful for the bishop to assign any greater stipend, &c. than aforesaid, in respect of any such benefice, during the incumbency of any such spiritual person, unless with the consent of the person holding the benefice, or in case of neglect to nominate to the bishop a proper curate. And

by s. 55. in every case in which any spiritual person shall have been, after 25th July, 1813, or shall hereafter be instituted or inducted, or nominated or appointed to, or otherwise become incumbent or possessed of any benefice, and shall not duly reside thereon, unless such person shall do the duty of the same, having a legal exemption from residence, or a license to reside out of the same, or to reside out of the parsonage or vicarage, or other usual house

s. 54.

What stipends bishops may appoint to curates of incumbents instituted, &c. before July 20, 1813.

s. 55.

The salaries payable to curates of incumbents instituted, &c. after July 20, 1813, to be in proportion to the value and population of the benefices as herein.

of

of residence belonging to the same, the bishop shall appoint for the curate licensed to serve such benefice of such non-resident person, in his absence, such salary as herein-after next mentioned; viz. such salary shall in no case be less than £80. *per annum*, or than the annual value of the benefice, if the gross value thereof shall not amount to £80 *per annum*; and such salary shall not be less than £100 *per annum*, or than the whole value as aforesaid, if the said value shall not amount to £100 *per annum* in any parish or place where the population, according to the returns then last made in pursuance of any act of parliament, shall amount to or exceed 300 persons; and such salary shall not be less than £120. *per annum*, or the whole value as aforesaid, if the said value shall not amount to £120 *per annum*, in any parish, &c. where the population shall appear as aforesaid to amount to or exceed 500 persons; and such salary shall not be less than £150. *per annum*, or than the whole value as aforesaid, if the said value shall not amount to £150 *per annum*, in any parish, &c. where the population shall appear as aforesaid to amount to or exceed 1000 persons: provided that the annual value of all benefices of which the value, estimated as is herein provided, does not amount to £150 *per annum*, shall be estimated from the returns made by the bishops of the several dioceses to the governors of queen Anne's bounty; or from any future returns which may be made by said bishops to said governors, respecting parishes or places omitted in the said returns; or respecting parishes, &c. in the actual income of which it shall be made appear to the bishops, that any considerable variation has taken place, either by augmentation made by the said governors or otherwise. But by s. 56. in any parish, &c. where it shall appear to the satisfaction of the bishop that the actual income of the benefice, clear of all deductions, exceeds £400 *per annum*, it shall be lawful for the bishop to assign to the curate of such parish, &c. being resident within the same, and serving no other cure, a salary or allowance of £100 *per annum*, notwithstanding the population of such parish, &c. may appear as aforesaid to amount to 300 persons; and that in any parish, &c. where the

Value of benefices under £150. how estimated.

s. 56.

What salary may be allowed where income of benefice exceeds £400.

the annual income shall appear to exceed £400. as aforesaid, and where the population shall also appear as aforesaid to amount to or exceed 500 persons, it shall be lawful for the bishop to assign to the curate of such parish, &c. being resident within the same, and serving no other cure, any larger stipend, so that the same shall not exceed, by more than £50. *per annum*, the amount of the stipend herein-before respectively required to be assigned to any such curate. But by s. 57. in every case in which it shall be made out to the satisfaction of the bishop of any diocese, that any spiritual person holding any benefice is or has become non-resident, or incapable of performing the duties thereof from age, sickness, or other unavoidable cause, and that from these or any other special circumstances great hardship or inconvenience would arise, if the full amount of salary specified in this act should be allowed to the curate, then it shall be lawful for the bishop to assign to the curate any such salary less than the said full amount in this act specified, as shall, under all the circumstances, appear to him just and reasonable: provided that in the license granted in every such case it shall be stated, that for special reasons the bishop hath not thought proper to assign to the curate the full amount of salary allowed or required by this act: provided also that such reasons shall be entered fully in a separate book to be kept for the purpose, and to be deposited in the registry of the diocese, which book shall not be open to inspection unless with the leave of the bishop, or by other proper authority, as in the cases of application for licenses for non-residence. By s. 58. if any incumbent of 2 or more benefices, residing, *bona fide*, in different proportions of every year, on some or one of such benefices, the full period specified by this act, shall employ a curate to perform ecclesiastical duty interchangeably, from time to time, upon such of the benefices from which he shall be absent during his own actual residence upon any other thereof, then it shall be lawful for the bishop to assign to such curate any salary not exceeding such salary as would be

s. 57.

Smaller salaries may be allowed to curates in special cases.

Reasons thereof to be registered.

s. 58.

What salary may be assigned to curate or curates of incumbent of 2 or more benefices.

be allowed under this act for the largest of such benefices, nor less than would be allowed for the smallest, as to the bishop shall appear just, &c.: provided that if any such incumbent shall employ a curate for the whole year upon each or any of such benefices, such incumbent so residing *bona fide* as aforesaid, then it shall be lawful for the bishop to assign to either or each of such curates any such salary less than the amount specified in this act, as he shall think fit. By s. 59. no spiritual person shall serve more than 2

s. 59.
Spiritual persons not to serve more than two churches in one day, except specially licensed by the bishop.

churches in one day, or 2 chapels, or one church and one chapel, in one day, unless from the situation of the churches or chapels, or from the value of the benefices to which they belong, or other special causes, it may, in the judgment of the bishop, be expedient or necessary, for the performance of ecclesiastical duties in such places, to grant license to any spiritual person to serve 3 churches or chapels, not being distant from each other more than 4 measured miles: provided that in every such case the reasons for granting such license shall be stated by the bishop in the license granted for serving the third of such churches, &c. otherwise such license shall not be valid: and provided that the residence of such curate or spiritual person shall be so placed, as that it shall not be necessary for him to travel more than 16 miles in one day, for the performance of the duties of such churches, &c. And by

s. 60.
What salary allowed where beneficed person, or curate, serves as curate of another parish.

s. 60. where any bishop shall find it necessary or expedient to license any person holding any benefice to serve as curate of any other parish or place, it shall be lawful for such bishop to appoint a salary less, by a sum not exceeding £30. *per annum*, than the salary which in the several cases in this act specified the bishop is required to assign; and where the bishop shall find it necessary, &c. to license one and the same person to serve as curate for more than one parish, &c. it shall be lawful for such bishop to direct, that while such curate shall serve such churches, &c. the salary for serving each shall be less, by a sum not exceeding £30. *per annum*, than the salary which, in the several cases before mentioned, the bishop is required by this act to assign.

By

By s. 61. all agreements made or to be made between persons holding benefices and their curates, in derogation of the provisions of this act, and all agreements whereby any curate shall in any manner bind himself to accept any salary less than that which shall be allowed in any license of such curate, shall be void, and shall not be set up, pleaded, or given in evidence, in any court of law or equity; and notwithstanding the payment and acceptance, in pursuance of any such contract, of any sum less than the sum specified in the license of such curate, or any receipt or acquittance that may be given in cases of such payment, the curate or his personal representatives shall be entitled to the full amount of what shall remain unpaid of the stipend, &c. specified in his license; and the payment of what shall so remain unpaid shall, together with treble costs of recovering the same, be enforced by monition, on proof of what shall so remain unpaid to the satisfaction of the bishop, and by sequestration of the profits of the benefice, to be issued by the bishop for that purpose: provided that the application of the curate shall be made to the bishop within 12 months after he shall have quitted his curacy, or by the representative of any curate within 12 months after his death: and this clause provides, that no sequestration shall by virtue of this act affect the profits of any benefice, beyond the time during which the benefice shall be held by the person liable to make the payment in respect of which such profits shall be sequestered. By s. 62. in every case in which any bishop shall appoint for any curate a salary equal to the whole annual value of such benefice, such salary shall be subject to deduction in respect of all such charges and outgoings, as may legally affect the value of such benefice, and to any loss or diminution which may lessen such value without the wilful default or neglect of the spiritual person holding the benefice. By s. 63. it shall be lawful for the bishop, upon the application of the rector, vicar, or spiritual person holding any benefice, the whole income of which shall have been allotted to the curate, to allow such rector, &c. to deduct therefrom, in any or each year, so much money, not exceeding one fourth of such profits, or

s. 61.

Agreements with curates in derogation of this act void.

Full amount of salary enforced, by monition, &c. with treble costs.

s. 62.

Curate's salary, if of the value of the benefice, liable to all legal charges affecting same.

s. 63.

Bishop may allow rector, out of curate's salary, for repairs, &c. where whole income allotted to curate, or if not exceeding £150.

of

Such allowance not to exceed one fourth of salary in either case.

s. 64.

Bishop may allot parsonage house, &c. for residence of curate, where incumbent does not reside 4 months in the year.

Delivery of possession enforced by sequestration.

s. 65.

If salary equal to income of benefice, curate to pay taxes, &c. of parsonage house, during his occupation.

of the salary assigned to the curate, as shall have been actually expended, during the year, in the repair of the chancel, parsonage, vicarage, or other house of residence, and premises, &c. thereto belonging, in respect of which such rector, &c. or his executors, &c. would be liable for dilapidations to the successors; and it shall also be lawful for the bishop, to allow any rector, &c. having or holding any benefice, the profits of which shall not exceed £150. *per annum*, to retain from the salary allotted to the curate, in each or any year, so much money as shall have been actually laid out in such repairs as aforesaid, above the amount of the surplus remaining of such profits, after payment of the salary allotted to the curate, so that the sum so deducted, after laying out such surplus, shall not in any year exceed one fourth of the salary allotted to the curate. By s. 64. it shall be lawful for the bishop who shall grant any license to any curate to serve any church or chapel, where the person holding any benefice is not resident for 4 months in each year, to allot, if he shall think fit, for the residence of such curate, the parsonage or vicarage house, or usual house of residence of the person holding the benefice, with the offices, stables, gardens, and appurtenances, (if there shall be any such house,) or any part or parts thereof, during the time of such curate's serving the cure, or during the non-residence of such rector, &c.; and it shall be lawful for the bishop to sequester the profits of the benefice, in any case in which possession of the house, &c. so assigned by him shall not be given up to the curate, and until such possession shall be given, and to apply or direct the application of the profits arising from such sequestration, or to remit the same, or any part thereof, as the bishop shall think fit. But by s. 65. when the bishop shall appoint, for the curate licensed to serve any benefice, a salary not less than the whole gross annual value of the same, and shall, in addition to such salary, direct that such curate shall reside in the parsonage or vicarage house, or usual house of residence of the spiritual person holding the benefice, such curate shall be liable, during his serving such cure, to the same taxes, and parochial rates and assessments, in respect of

of such house and the appendages thereof, of which he may be so in occupation, as if he had been instituted or inducted, &c. to the said benefice. By s. 66. it shall be lawful for the bishop at any time, upon 3 months' notice in writing, to direct any such curate to deliver up any such parsonage or vicarage house, &c. and the offices, &c. there-
s. 66. Curate to give up possession after 3 months' notice from bishop.
to belonging; and, in case such curate shall refuse to deliver up such premises, he shall forfeit to the rector, vicar, or spiritual person holding the benefice, 40s. for every day of such wrongful possession, to be recovered by action of debt, in any court of record at Westminster, as any penalties may be recovered for non-residence under this act. Penalty for refusal.
But by s. 67. it shall not be lawful for the rector, &c. in any case in which such residence shall have been assigned to the curate, to dispossess such curate, or take possession thereof, until the permission of the bishop shall have been given in writing for that purpose, and 3 months' notice of such his intention to the curate, who shall thereupon quit the same according to such notice; and every curate who shall reside in the house of residence of any benefice which shall become vacant, shall quit such house within 3 months after the institution or appointment of any spiritual person thereto, upon being required so to do by the spiritual person so instituted, &c. and having one month's previous notice at the least given to him to quit such house of residence. s. 67. Curate not to be dispossessed without such order and notice from bishop.
By s. 68. no curate shall quit any benefice to which he shall be licensed, until after 3 months notice of his intention to quit given to the person holding such benefice, and to the bishop of the diocese, unless with the consent of such bishop, upon pain of forfeiting to such spiritual person, a sum not exceeding his stipend for 6 months, at the discretion of the bishop, which sum may be retained out of the stipend, if the same or any part thereof shall remain unpaid; or if the same cannot be so retained, it may be recovered by such spiritual person, as any penalty, &c. under this act. s. 68. What notice required of curate's quitting his curacy.
By s. 69. it shall be lawful for the bishop of the diocese to license any curate who shall be employed by the rector, vicar, or other incumbent of any church or chapel, although no express nomination
s. 69. Bishop may license curate employed without nomination, and
nation

revoke any license, and remove curate.

Appeal to archbishop.

s. 70.

Licenses and revocations to be registered; and copies transmitted to churchwardens, &c.

Penalty for default of registrar.

His fees.

s. 71.

Clauses relating to bishops to extend to archbishops in their own dioceses, &c.

s. 72.

Term "benefice" defined.

s. 73.

Powers of archbishops and bishops as to

nation of such curate shall have been made to such bishop by the said rector, &c.; and the bishop shall have power to revoke summarily, and without process, any license granted to any curate employed in his diocese, or subject to his jurisdiction, by virtue of this act, and to remove such curate for any cause which shall appear to him to be reasonable; subject nevertheless to an appeal to the archbishop of the province, and to be determined in a summary manner. By s. 70. every bishop who shall grant or revoke any license to any curate under this act, shall cause a copy of such license or revocation to be entered in the registry of the diocese; and an alphabetical list of such licenses and revocations shall be made out by the registrar of each diocese, and entered in a book, and kept for the inspection of all persons upon payment of 3s. and no more; and a copy of every such license, &c. shall be transmitted by the registrar to the churchwardens or chapelwardens of the parish, &c. to which the same relates, within one month after the grant of such license or revocation, to be by them deposited in the parish chest; and every registrar who shall refuse or neglect to make any such entry, or to transmit any such copy, shall forfeit for every such offence or neglect £5, to be recovered as any penalty, &c. under this act: provided that every such registrar shall, for every such copy so transmitted, be entitled to have from such churchwardens, &c. 10s. and no more; and such fee shall be allowed in the accounts of such churchwardens, &c.

By s. 71. all the powers, provisions, penalties, clauses and things contained in this act in relation to bishops in their dioceses, shall extend to archbishops in the respective dioceses of which they are bishops, and also in their own peculiar jurisdictions, as fully as if the archbishops were named with the bishops in every such case. And by s. 72. the term "benefice" wherever used in this act, shall be understood to mean benefices with cure, and to comprehend therein, for the purposes of this act, all donatives, perpetual curacies, and parochial chapelries. By s. 73. every archbishop and bishop, within the limits of whose province or diocese any benefice, exempt or peculiar, shall be

be situate, shall have all the powers necessary for the due execution of the provisions of this act, and for enforcing the same, as if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop; and where any benefice, exempt or peculiar, shall be situate within the limits of more than one province or diocese, or where the same shall be situate between the limits of the two provinces, or of any 2 or more such dioceses, the archbishop or bishop of the cathedral church, to whose province or diocese the parish church of the same shall be nearest, shall have all the powers necessary for the due execution of this act, and enforcing the same with regard thereto, as if the same were not exempt or peculiar; and the same, for all the purposes of this act, shall be deemed to be within the limits of the province or diocese of such archbishop or bishop; provided that the peculiars belonging to any archbishoprick or bishoprick, though locally situate in another diocese, shall continue subject to the archbishop or bishop to whom they belong, as well for the purposes of this act, as for all other purposes of ecclesiastical jurisdiction. By s. 74. in every case in which jurisdiction is given to the bishop of the diocese, or to any archbishop, under the provisions of this act, all other and concurrent jurisdiction in respect thereof shall cease. By s. 75. where proceedings under this act are directed by monition and sequestration, such monition shall issue under the hand and seal of the bishop, and being duly served shall be returned, with a certificate of service, into the registry of the consistorial court of such bishop; and thereupon it shall be competent for the party monished to shew cause, by affidavit or otherwise, against the sequestration of suing; and unless sufficient cause is shewn to the contrary, the sequestration shall issue under the seal of the consistorial court, and in such form as is commonly used on that behalf. By s. 76. it shall be lawful for the bishop of any diocese in which any spiritual person shall hold any dignity or benefice, or shall serve as stipendiary curate, to recover any penalty incurred under this act in a summary way, by monition and sequestration,

benefices exempt or peculiar.

Proviso as to such benefices when situate between 2 provinces, or 2 or more dioceses.

Peculiars subject to the bishop, &c. to whom they belong, though situate in another diocese.

s. 74.

Where jurisdiction is hereby given to bishop, &c. all concurrent jurisdiction to cease.

s. 75.

Proceeding upon monition how to be.

s. 76.

Penalties may be recovered by monition and sequestration.

*Such recovery
to be a bar to an
action.*

s. 77.

*Fees, costs, &c.
may be also re-
covered by mo-
nition, &c.*

s. 78.

*Act not to in-
validate licenses
before 31st De-
cember, 1817,
nor to require
any to be taken
before that day.*

s. 79.

*Commission to
administer oaths
exempt from
stamp duty.*

s. 80.

*Proviso as to
king's preroga-
tive.*

s. 81.

*Parsonage
without cure of
souls not deemed
a benefice.*

s. 82.

*Bishops exempt
from penalties
for non-resi-
dence, but to
appoint curates
to benefices in
commendam.*

sequestration, to be issued in the manner by this act directed, with the like powers, and subject to the like restrictions in respect to the remission and repayment of such penalty, as are by this act provided in respect to penalties for non-residence: provided that no spiritual person against whom any such proceeding shall have been had by any bishop for the recovery of any penalty, shall thereafter be subject to any action at law by any informer or other person, for the recovery of any penalty for the same offence. By s. 77. any fees, charges, costs, or expenses incurred or directed to be paid by any spiritual person under this act, which shall remain unpaid for 21 days after demand thereof in writing, delivered to or left at the usual or last place of abode of the spiritual person liable to the payment thereof, may be recovered by monition and sequestration, to be issued in manner directed by this act. But it is provided (s. 78.) that none of the provisions of this act shall extend to render void, before the 31st December, 1817, any license or exemption which would have been otherwise valid, nor to require any license to be taken before the said 31st December, which would not have been required by law before the passing of this act. And by s. 79. no commission issued by any bishop to any commissary or commissaries appointed to administer the oaths required to be taken by any curate for the purpose of any license granted under this act, shall be subject to any stamp duty. And by s. 80. nothing in this act shall alter or affect his majesty's royal prerogative in the granting of dispensations for non-residence upon benefices, as the same now exists by law. By s. 81. no parsonage that hath a vicar endowed, or that hath a perpetual curate, and having no cure of souls, shall be deemed to be a benefice within the meaning of this act. By s. 82. no archbishop or bishop having or who shall have any benefice shall, by reason of non-residence upon the same, be subject to any penalties, &c. provided that any archbishop or bishop who shall hold any benefice *in commendam* with his archbishoprick or bishoprick, shall appoint a resident curate, according to the provisions of this act. And by s. 83.

s. 83. nothing in this act shall alter or affect, otherwise than is expressly provided, any powers, &c. or jurisdiction already vested in or belonging to any archbishop or bishop, under any statute, canon, usage, or otherwise.

s. 83.

Saving for rights of bishops.

By s. 84. nothing herein shall repeal or alter the provisions contained in any act of parliament, or any other provision of law, for the due celebration of divine service in any church or chapel, or for the discharge of any other duty of any rector or vicar, or person holding any benefice by himself or his curate. By s. 85. no provision in this act shall extend to Ireland.

s. 84.

Laws in respect to divine service, or other duty of rectors, &c. not altered.

s. 85.

Ireland excepted.

P. 330. l. 19. The 48 Geo. 3. c. 66. I. having been but briefly stated in the digest, it seems to be proper to abridge it here, and place it in juxta-position with the 57 Geo. 3. c. 99. *supra*. This statute enacts, that in every case in which it shall appear to any bishop or archbishop of Ireland, that any spiritual person having or holding any benefice, donative, perpetual curacy, or parochial chapelry, within the diocese of such bishop, &c. having no lawful cause of absence, does not, in the whole, reside for 9 calendar months within the year on the same, it shall be lawful for such bishop, &c. to issue a monition to such spiritual person, forthwith to proceed to and reside thereon, and perform the duties thereof, and to make a return to such monition within a certain number of days after the issuing thereof, so as that there shall be 30 days between the delivering such monition, or leaving the same at his then usual or last place of abode, (or if not there to be found, or if he shall be absent from the diocese, with the officiating minister or one of the churchwardens, and also at the house of residence, if any such there be, belonging to such benefice, &c. and on the proctor, manager or collector of the tithes of such spiritual person, if any such there be) and the time specified in such monition for the return thereto: and every such monition shall, immediately on the issuing thereof, be filed in the registry of such diocese, and open for inspection on the payment of 1s.; and the spiritual person to whom any such monition shall be sent under this act, shall, within the time specified for that

Where any spiritual person shall not reside on his benefice, &c. 9 months in the year, bishop, &c. may issue a monition.

48 Geo. 3. c. 66.

I.

Thirty days between service of monition, and return thereto.

*Return to be
verified if re-
quired.*

*If no return, or
excuse unsatis-
factory, then
peremptory
order to issue.*

*If not complied
with in 30 days
after service,
profits seques-
tered, and ap-
propriated, &c.*

*Money levied
under seques-
tration may be
remitted, or re-
paid to spiritual
person.*

that purpose, make a return thereto; and it shall be lawful for the bishop, &c. to whom any such return shall be made, to require such return, or any facts contained therein, to be verified by the oath of such spiritual person or others, which oath any surrogate or master extraordinary in chancery shall, on application, administer; and where no such return shall be made, or where such return shall not state reasons satisfactory to such bishop, &c. for the non-residence of such person, or where the same, or any of the facts contained therein, shall not be so verified on oath as aforesaid, when the same shall have been required, then it shall be lawful for such bishop, &c. to issue an order in writing under his hand and seal, to require such person to reside as aforesaid, within 30 days after such order in writing, or a copy thereof, shall have been delivered or left in like manner as herein-before required as to monitions; and in case of non-compliance it shall be lawful for such bishop, &c. to sequester the profits of such benefice, &c. until such order shall be complied with, or such sufficient reasons for non-residence stated and proved as aforesaid; and to direct, by order under his hand, the application of such profits, after deducting the necessary expenses of serving the cure, either in the whole or in such proportion as he shall think fit, in the first place to the payment of such reasonable expenses as shall have been incurred in relation to such monition and sequestration, and in the next place towards the augmentation or improvement of any such parsonage, &c. or any of the buildings or appurtenances thereof; or towards the improvement of any of the glebe or demesne lands thereof; or may order the same, or any portion thereof, to be paid to the trustees and commissioners of first fruits, &c. for the augmentation of their funds; and it shall be lawful for such bishop, within 6 months after such order for sequestration, or within 6 months after any money shall have been actually levied by such sequestration, to remit to any such spiritual person any part of such sequestered profits, or cause the same or any part thereof that shall have been paid or directed to be paid to such trustees, &c.

of

of first fruits, to be repaid to such spiritual person, which repayment the said trustees, &c. shall, upon an order under the hand of such bishop, &c. make, out of any money then in their hands, or if no money shall be then in their hands, out of the next money that shall come to their hands, in any case in which by reason of the subsequent obedience to any such monition or order, or the stating and proving such sufficient reasons as aforesaid, such bishop, &c. shall think the same proper: provided that when any such spiritual person shall think himself aggrieved by any such sequestration issued by any bishop, he may, within 30 days after the order for such sequestration, and upon such notice thereof to be served in like manner as the monition herein-before directed, appeal to the arch-bishop of the province, who shall, forthwith, either by himself, or some commissioner or commissioners appointed, from among the bishops of the province for that purpose, under his hand and seal, make due inquiry into the same, and make such order therein, or relating thereto or to the profits so sequestered, for the return to such spiritual person of the same or any part thereof, or otherwise as shall, under all the circumstances of the case, appear to such arch-bishop (after such inquiry made by himself or his commissioner, &c. and, in the latter case, after the substance of such inquiry shall have been returned in writing to said archbishop,) to be just and proper: provided that the party so appealing shall give security to the bishop for the payment of such reasonable expenses occasioned by the appeal, as the archbishop or his commissioner, &c. shall award: provided always, that no such order for any sequestration shall be put in force during such appeal, and until the same shall be determined. And provided (s. 2.) that every person to whom any such monition or order in writing shall be sent as aforesaid under this act, who shall at the time of issuing thereof be absent from residence in or upon his benefice, &c. contrary to this act, but who shall in obedience to such monition, &c. forthwith return to due residence, and the profits of whose benefice, &c. shall

Appeal to arch-bishop.

Appellant to give security.

s. 2.

Persons returning to residence on monition, shall yet pay costs, &c.

by

by reason of such return not be sequestered, shall nevertheless pay all costs, charges, and expenses incurred by the issuing and serving such monition, &c.; and if such costs, &c. shall remain unpaid for 20 days after demand from the person liable to the payment thereof, or left in writing at his usual or last place of abode, it shall be lawful for such archbishop or bishop respectively, to cause the same to be recovered by sequestration of the profits of such benefice, &c. which sequestration such bishop and archbishop are hereby respectively empowered to issue. And by s. 3. if any spiritual person having no lawful

s. 3. *But if he shall, before 6 months thereafter, absent himself for one week, sequestration may be issued without further monition.*

cause of absence from his benefice, &c. who after such monition, &c. requiring his residence, and before or after any such sequestration as aforesaid, shall, in obedience to such monition, &c. have begun to reside, shall, before the expiration of 6 months next after the commencement of such residence, in the judgment of such bishop or archbishop, and without his leave, wilfully absent himself for one week from such benefice, &c. it shall be lawful for such bishop or archbishop, without any other monition or order, to sequester and apply the profits of such benefice, &c. as before directed by this act, for the purpose of enforcing the residence of such person according to the true intent of the original monition; and so to proceed from time to time as occasion may require; provided that in every of such cases such spiritual person may appeal, in such manner and upon such terms as herein-before mentioned touching appeals respecting sequestrations; but the same shall be in force during such appeals. And by s. 4. if any spiritual person shall con-

s. 4. *Benefice void if under sequestration for 3 years, or 3 sequestrations incurred in that period.*

tinue under any sequestration under this act, for 3 years, or, under this act, incur 3 sequestrations in the space of 3 years, not being relieved with respect to any such sequestration upon appeal, the benefice, &c. shall become, *ipso facto*, void, and the patron shall present or nominate some other clerk thereto, as if the same had been avoided by the natural death or resignation of the party. By s. 5.

s. 5. *Contracts for letting houses of residence, &c. void.*

all contracts and agreements made after the passing of this act, (18th June, 1808,) for the letting of houses of residence

residence, or the buildings, gardens, orchards, and appurtenances necessary for the convenient occupation of the same, belonging to any benefice, &c. (to which houses of residence any spiritual persons shall be required by order as aforesaid to proceed and reside therein, a copy of which order shall, immediately on the issuing thereof, be transmitted to one of the churchwardens of the parish, and be by him forthwith served on the occupier of such house, or left at the same, and which such churchwarden shall serve accordingly,) shall be null and void: and any person continuing to hold such house, or any such building, &c. after the day on which such person shall be directed by said order to reside, and after service of such copy as aforesaid, shall forfeit 40s. for every day he shall, without the permission of the archbishop or bishop in writing for that purpose, wilfully continue to hold such house, &c. to be recovered by action of debt, &c. in any court of record at Dublin, wherein, &c. and the whole of such penalty shall go to such informer, together with costs of suit: but in cases of such contracts, &c. made before the passing of this act, the person holding, &c. shall not be liable to any penalty for 3 calendar months, to be computed from the service of the copy of such order upon such occupier, or at such house of residence as aforesaid; and sequestration shall not issue for disobedience to the order for 3 calendar months, to be computed from the service of the copy of said order, at the expiration of which time it shall be lawful for the archbishop or bishop to issue sequestration, and after which time the party continuing to hold any such house, &c. shall forfeit 40s. for every day he shall wilfully continue, without such permission in writing as aforesaid, to hold the same or any of them, to be recovered and applied as aforesaid. Provided, (s. 6.) that no spiritual person shall be liable to any penalties under this or any former act, for not residing in such house of residence, during such time as such tenant shall continue to occupy such house and other buildings necessary to the occupation of the same. By s. 7. all the clauses, &c. in this ac-

And any person holding possession after order for residence served upon him, forfeits 40s. per day.

Three months allowed for quitting, in cases of contracts before the passing of this act.

s. 6.

Incumbent not liable to penalties during occupation by tenant.

s. 7.

To what benefices, &c. act shall extend.

s. 8.

In whom the powers necessary for executing this act shall be, where benefice, &c. is exempt or peculiar.

And any person holding any office or place of profit or honor in the church or state, shall be liable to the jurisdiction of the archbishop or bishop to whom they belong, as well for the purposes of this act, as for all other purposes of ecclesiastical jurisdiction.

And any person holding any office or place of profit or honor in the church or state, shall be liable to the jurisdiction of the archbishop or bishop to whom they belong, as well for the purposes of this act, as for all other purposes of ecclesiastical jurisdiction.

s. 10.

Sinecures excepted.

s. 9.

Saving for King's dispensations.

s. 11.

contained in relation to residence, shall extend to all dignities, prebends, benefices, donatives, perpetual curacies, and all parochial chapelries, exempt as well as not exempt, and all peculiars, as fully as if herein particularly specified. And by s. 8. every archbishop, bishop, and archdeacon, within whose province, diocese, or jurisdiction, any dignity, benefice, donative, perpetual curacy or parochial chapelry, exempt or peculiar, shall be situate shall have all the powers necessary for the due execution of the provisions of this act, as if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop, &c.; and where any benefice, &c. exempt or peculiar, shall be situate within the limits of more than one province, diocese, or jurisdiction, or between the limits of two or more of such provinces, &c. of any of them, the archbishop or bishop to the cathedral church of whose province or diocese the parish church of the same shall be nearest in local situation, shall have and exercise all the powers which are necessary for the due execution of this act, as if the same were not exempt or peculiar, &c.; and the same, for all the purposes of this act, shall be deemed to be within the limits of the province or diocese of such archbishop or bishop; and within the archdeaconry, and subject to the jurisdiction of such archdeacon as hath jurisdiction as such over the parish, the parish church of which is nearest to the church of such benefice, &c. exempt or peculiar; provided that the peculiars belonging to any archbishoprick or bishoprick, though situate in another diocese, shall continue subject to the archbishop or bishop to whom they belong, as well for the purposes of this act, as for all other purposes of ecclesiastical jurisdiction. But by s. 10. no parsonage that hath a vicar endowed or perpetual curate, and having no cure of souls, shall be comprehended under the name of "benefice," within the meaning of this act. By s. 9. nothing in this act shall affect his majesty's prerogative in granting of dispensations for non-residence upon benefices, as the law now exists. And it is provided (s. 11.) that nothing in this act shall exempt any person from canonical or ecclesiastical

ecclesiastical censures, or affect any proceedings that shall be instituted in any ecclesiastical court, in order to cause the same to be inflicted in relation to the non-residence of any spiritual person having or holding any benefice, &c. not having any lawful cause of absence therefrom: provided that after the passing of this act, no such censures, for non-residence, not exceeding 3 months in one year, shall be put in force; nor shall any proceeding be admitted in any ecclesiastical court for such non-residence, not exceeding 3 months in a year, at the suit of any person other than the archbishop, bishop, or archdeacon only of the diocese and archdeaconry within which such benefice, &c. shall be situated. And it is provided (s. 12.) that nothing in this act shall extend to any master or preacher of hospitals or incorporated charitable foundations, during the period for which he may be required to reside by any charter or statute of any such hospital, &c. or by any other lawful authority, and shall actually reside and perform the duties therein; or the chancellor or vicar general, or surrogate or official, in any ecclesiastical court of any diocese, whilst they are residing in the places where their respective offices are exercised; or any chaplain of the lord lieutenant, &c. provided he shall have a certificate from the lord lieutenant, or his chief secretary, that he is resident in Dublin, or near the person of the lord lieutenant, and is occupied as such chaplain; or the provost or fellows of Trinity college, Dublin, or any professor or public officer in the university of Dublin, during the period for which he may be required to perform the duties of such office, and shall actually perform such duties; or to any school-master of any school founded and endowed by his majesty, or any of his royal predecessors, or to any diocesan school-master, during such time as such school-master shall actually reside at such school, and perform the duties of a schoolmaster therein. But by s. 13. nothing in this act, or any former act, shall exempt from residence any person on account of any office or employment, except as herein before excepted. And it is declared (s. 14.) that no archbishop or bishop having or who shall have any dignity, prebend, benefice, donative, or perpetual

Act shall not exempt from ecclesiastical censures; but none such shall be for less than 3 months' non-residence, nor except at suit of ordinary.

s. 12.

Exception of masters of hospitals, and other ecclesiastical persons.

s. 13.

Exemptions specified only allowed.

s. 14.

Bishops exempted.

perpetual

s. 15 & 16.
*Chaplains of
peers and bi-
shops also.*

s. 17.
*Annual returns
to be made to
king in council
in respect to
non-residence.*

s. 18.
*Non-residence
computed from
1st Aug. 1808.*

*Parsons, &c. of
ecclesiastical
benefices, &c.
empowered to
exchange their
glebe houses, &c.
for others of
greater value, or
more conveni-
ently situated.*
55 Geo. 3. c. 147.
E. & W.

perpetual cure, shall, by reason of non-residence upon the same, be liable to any penalties or forfeitures : and (by s. 15. & 16.) that nothing herein shall affect any privileges of the peers of Ireland, or of the archbishops or bishops of Ireland, respecting chaplains. And this act provides, (s. 17.) that on or before the 25th March, 1809, and at the like period in every succeeding year, a return shall be made to his majesty in council, by every archbishop and bishop of the names of every dignity, prebend, benefice, donative, perpetual curacy, and parochial chapelry, in their respective dioceses, or subject to their respective jurisdictions, by virtue of this act, and the names of the several persons possessing the same, who shall not have resided thereon by reason of any exemption under this act, or any other act, or by reason of any permission or license granted by the primate of all Ireland, or by any archbishop or bishop for any and what cause, and also of all persons possessing the same, not having any such exemption, &c. who shall not have resided on such dignity, &c. so far as such archbishop or bishop is informed thereof. Provided (s. 18.) that no forfeiture or penalty shall be incurred under this act, for any non-residence committed prior to the 1st day of August, 1808.

P. 333. l. 3. The 55 Geo. 3. c. 147. E. & W. provides, that it shall be lawful for the parson, vicar, or other incumbent of any ecclesiastical benefice, perpetual curacy, or parochial chapelry, by deed indented, and to be registered in manner herein-after mentioned, and with the consent of the patron of such benefice, &c. and of the bishop of the diocese wherein the same is locally situate, (to be signified as herein-after is mentioned,) to grant and convey to any person, his heirs and assigns, or otherwise, as he shall direct, or to any corporation sole or aggregate, and his or their successors, the parsonage or glebe house, and the out-buildings, yards, gardens, and appurtenances thereof, and the glebe lands, and any pasture, feedings, or rights of common, or way appendant, appurtenant, or in gross, or any or either of such house, &c. or any part
or

or parts thereof, belonging to any such benefice, &c. in exchange for any house, out-buildings, yards, gardens, and appurtenances, and any lands, or any or either of them, whether lying within the local limits of such benefice, &c. or not, but so as that the same be situate conveniently for actual residence or occupation by the incumbent thereof, the same also being of greater value, or more conveniently situated than the premises so to be given in exchange, and being of freehold tenure, or being copyhold of inheritance, or for life or lives, holden of any manor belonging to the same benefice; and also for the parson, &c. for the time being, of the same benefice, &c. by the same or a like deed, and with the like consent, and testified as aforesaid, to accept and take in exchange to him and his successors for ever, from any person or corporation sole or aggregate, any other house, out-buildings, yards, gardens, easements and appurtenances, and any other lands, or any or either of such house, &c. the same respectively being of freehold tenure, or being copyhold of inheritance, or for life or lives, holden of any manor belonging to the same benefice, and being of greater value or more conveniently situated, in exchange for such parsonage or glebe house, &c. so to be granted and conveyed; which said house, &c. so to be taken in exchange, shall, for ever after such grant or conveyance thereof, be the parsonage and glebe house, and glebe lands and premises of the said benefice, &c. to all intents, and shall become annexed to said benefice, &c. and be holden, &c. by such incumbent and his successors accordingly, without any license or writ of *ad quod damnum*; and the said house, &c. which before such annexation were of copyhold tenure, shall, for ever after such annexation, be of freehold tenure, the statute of mortmain, or any other statute to the contrary notwithstanding: provided that nothing in this act shall authorize the granting or conveying in exchange by any parson, &c. either at the same time, and by the same incumbent, or at different times, and by several incumbents, and in several portions, any greater quantity in the whole than 30 statute acres of the glebe

Premises taken in exchange to be of freehold tenure, or copyhold of inheritance, &c.

House, &c. so taken in exchange to be for ever the glebe and glebe lands, and if copyhold tenure before annexation to be freehold after.

No more than
30 statute acres
to be exchanged.

Proviso as to
premises taken
in exchange be-
ing of equal
value.

s. 2.
If lands, &c. ta-
ken in exchange
were exempt
from tithe, &c.
those granted in
exchange shall
be also exempt.

s. 3.

No incumbent
to be evicted out
of premises
granted in ex-
change, for de-
fect of title in
the grantor:

glebe lands of any benefice, &c.: provided also, that when any such exchange shall be made by any owner having any less estate or interest than in fee simple, of or in the messuage, buildings, lands and premises, so to be granted, &c. in exchange, or being any corporation aggregate or sole, or person under any legal disability, the parsonage house, out buildings, and glebe lands so to be taken in exchange as aforesaid, shall not, at the time of making such exchange, be of less value than the said messuage, &c. respectively so to be granted, &c. in exchange to such person, &c. Provided (s. 2.) that where the lands, or any part thereof, to be conveyed in exchange to any parson, &c. and to be annexed as glebe to any benefice, &c. under this act, shall, either jointly or separately, with other lands or tenements, be, at the time of such conveyance, exempt or discharged from the render of tithes in kind, or subject to or covered by any *modus*, composition real, or prescription in lieu of tithes in kind, then the lands, &c. to be conveyed in exchange by such parson, &c. and which before such exchange were glebe belonging to the same benefice, &c. shall, (unless it be agreed between the parties to such exchange, that the same shall become subject to the render or payment of tithes in kind,) immediately after such conveyance in exchange, (in case such first mentioned lands are situate in the same parish, &c. with the said lands or premises before glebe thereof, or belonging thereto,) become exempt from tithes in kind, in like manner with, or subject to or covered by the same *modus*, &c. in lieu of tithes in kind, as the lands so to be conveyed in exchange to the said parson, &c. before such exchange was made. Provided also (s. 3.) that no incumbent of any benefice, &c. in respect whereof any such exchange as is authorized by this act shall have taken place, or his successors, shall, at any time thereafter be evicted or ejected from the peaceable possession of the house, out-buildings, land and premises, or any of them, which shall have been so granted, &c. in exchange, by reason of any person or corporation &c. claiming right thereto, through any title
prior

prior to that of or through any defect of title of the person, &c. granting, &c. the same in exchange; but, nevertheless it shall be lawful for such person, &c. claiming such right to use and exercise all the same powers and remedies in trying his or their right to, and in obtaining and recovering possession of any house, &c. or any of them, which shall have been granted in exchange by any such incumbent, as the person, &c. so claiming would, in case this act had not been made, have been enabled to use, &c. in trying the right to, and obtaining, &c. possession of the house, &c. or any of them, in exchange for which the same shall have been so granted, &c. by any such incumbent, under this act. By s. 4. it shall be lawful for the parson, &c. of any benefice, &c. of or to which any manor or lordship is parcel or appurtenant, and as parcel of or belonging to which manor, &c. any lands or tenements are or have been usually granted or demised, or grantable or demisable by copy of court roll, or otherwise, for any life or lives, or for any number of years absolutely or determinable on any life or lives, by deed indented, (and to be registered as herein-after mentioned) with the consent of the patron and bishop, (to be testified as herein-after mentioned) to annex to the said benefice, &c. as glebe land, or parsonage or glebe house or houses and buildings thereof, all or any part or parts of such lands, &c. whether lying within the limits of such benefice, &c. or not; and after such annexation the said lands, &c. so annexed shall cease to be thereafter grantable or demisable by any incumbent of the said benefice, &c. (otherwise than as glebe lands are or shall be by law grantable or demisable,) but shall from thenceforth be deemed to be the glebe lands and parsonage or glebe house or houses of and annexed to such benefice, &c. for ever, without any license or writ of *ad quod damnum*, and notwithstanding the statute of mortmain, &c.: provided that no such annexation shall in any wise annul, determine, or affect any grant or demise then previously made, and actually existing, of the said lands, &c. so to be annexed as last aforesaid. And this act further provides, (s. 5.) that where there shall be no existing parsonage or glebe house on

But any person claiming title thereto may proceed for recovery of the premises granted by incumbent in exchange.

s. 4.

Parsons, &c., empowered to annex to their benefices as glebe lands, &c. parts of manors, &c. appurtenant to such benefices, and theretofore demisable, &c. as such.

After such annexation such lands, &c. to be only demisable &c. as other glebe lands.

Proviso as to grants of premises previously made.

s. 5.

any

If there be no glebe house, or it be inconvenient, &c. any owner in fee simple, &c. may convey to incumbent, &c. any messuage, &c. fit for the residence of incumbent.

After such grant, &c. former parsonage house how disposed of.

Infants, &c. disabled to make such gifts.

any ecclesiastical benefice, &c. or where the existing parsonage or glebe house, or the outbuildings thereof, on any such benefice, &c. shall be inconvenient or too small, or incommodiously situate, it shall be lawful for any person being owner in fee simple, or for any corporation, &c. with or without confirmation as the case may require, and by and with such consent (to be signified as herein-after mentioned) of the incumbent, patron, and bishop, to give, grant, and convey, by deed indented, and to be registered as herein-after is mentioned, to any parson, &c. of such benefice, &c. for the time being, any messuage, outbuildings, yard, garden, orchard, and croft, or any of them, with their appurtenances, or any right of way, or other easement, whether lying within the limits of such benefice, &c. or not, but so as that the same be conveniently situate for actual residence or occupation by the incumbent thereof; which messuage, &c. with their appurtenances, &c. or other easement, shall, for ever after such grant, &c. be annexed to, and be deemed to be the parsonage or glebe house, &c. of the said benefice, &c. and to be holden, &c. by the said incumbent and his successors accordingly, without any license or writ of *ad quod damnum*, the statute of mortmain, &c. notwithstanding; and after such grant, &c. it shall be lawful for the incumbent, for the time being, of the said benefice, &c. (with the consent in writing of such patron and bishop, under their hands and seals, to be duly registered as herein-after is mentioned,) to take down and remove any parsonage or glebe house, and outbuildings, or any part thereof, which before such annexation belonged to said benefice, &c. (if the same or part thereof cannot be better applied to the permanent advantage of such benefice, &c.) and, with the like consent as aforesaid, to apply the materials, or the produce thereof, if sold, towards some lasting improvement of the said benefice, &c.: provided that nothing herein shall enable any persons being infants or lunatics, or femes covert without their husbands, to make any such gift, &c.

And

And this act (s. 6.) recites the 17 Geo. 3. c. 53. Eng. and 21 Geo. 3. c. 66. Eng. and that there are many benefices, perpetual curacies, and parochial chapelries, to which no glebe land, or only a small portion of glebe land is belonging; and therefore enacts, that it shall be lawful for the parson, &c. for the time being, of any benefice, &c. the glebe whereof shall not exceed 5 statute acres, with the consent of the patron and bishop, to be signified as herein-after mentioned, to purchase any lands not exceeding in the whole 20 statute acres, with the necessary out-buildings thereon, whether being within the limits of said benefice, &c. or not, but so as that the same be situate conveniently for building a parsonage or a glebe house, and out-buildings, and for gardens and glebe thereof, or for any of said purposes, and for actual residence, &c. by the incumbent thereof, such land being of freehold tenure, or being copy-hold of inheritance, or for life or lives, holden of any manor or lordship belonging to the same benefice, &c.; which lands so purchased shall, for ever after the grant, &c. thereof, become annexed to and be the glebe of such benefice, &c. to all intents, and be holden, &c. by such incumbent and his successors accordingly, without any license or writ of *ad quod damnum*; and the whole or any part of said lands, which before such annexation were or was of copyhold tenure, shall, for ever after such annexation, become and be of freehold tenure, the statute of mortmain, &c. notwithstanding. And by s. 7. it shall be lawful for such parson, &c. for the time being, with the consent of the patron and bishop, (to be signified as herein-after is mentioned,) to borrow at interest (besides the monies authorized to be borrowed under the authority and for the purposes of the 17 Geo. 3. c. 53.) such sum or sums of money as shall be certified, by a valuation upon oath of some skilful surveyor, to be the true value of the said lands at the time of the purchase thereof, not exceeding 2 years' clear income and produce of said benefice, &c. after deducting all taxes and other out-goings whatever, except the salary to the assistant curate (if any); and as a

s. 6.
Where no glebe, or not exceeding 5 acres, parsons, &c. may purchase lands not exceeding 20 statute acres, for glebe, &c.

Such land to be freehold or copyhold of inheritance, &c.

After such annexation copyhold to become freehold.

s. 7.
Such parson, &c. may borrow the amount of the certified value of such lands, not exceeding 2 years income of benefice.

security

And may mortgage tithes, &c. for 25 years, to pay purchase money and interest.

Parson, &c. to pay yearly the interest of sum borrowed, and £5 per cent. of principal.

If parson, &c. do not reside 20 weeks in the year, then to pay £10 per cent.

Bishop may sequester benefice in default of payment.

Mortgagee may enforce payment by distress, &c.

security for the said money, to mortgage the tithes, rents, and other profits belonging to such benefice, &c. to any person or persons who shall advance the money, by deed or deeds, (to be registered as herein-after mentioned,) for the term of 25 years, or until the principal money, with interest for the same, and all costs and charges attending the recovery thereof, shall be fully paid off and satisfied; which mortgage shall bind as well such parson, &c. executing the same, as also his successors; and a counterpart thereof shall be executed by the mortgagee or mortgagees, and be kept by the incumbent; and the parson, &c. for the time being, shall pay to the mortgagee or mortgagees, yearly, as the same shall become due, or within one month afterwards, as well the interest of the principal money secured by such mortgage, as also the farther sum of £5 per cent. per annum, of the principal money; and every incumbent who shall not reside 20 weeks in every year upon such benefice, &c. computing each year from the first or only mortgage deed, shall, instead of £5 per cent. per annum, pay within the period aforesaid, £10 per cent. per annum of said principal money, until the whole thereof, with the interest, costs and charges, shall be paid off; and every such incumbent who shall pay only £5 per cent. per annum of such principal money shall, at the time of payment thereof, deliver to the mortgagee a certificate under the hands of 2 rectors, vicars, or other officiating ministers of some parishes near adjoining, signifying that he had resided 20 weeks upon the said benefice, &c. within the year for which such payment became due; and in default of payment of the principal, interest, costs and charges, in manner aforesaid, the bishop may sequester the profits of such benefice, &c. until such payment shall be made; and if at any time, the said principal and interest, or any part thereof, shall be in arrear for 40 days next after the yearly day of payment, it shall be lawful for the mortgagee, his executors, administrators, or assigns, to recover the same, or such part thereof as shall be so unpaid, and the costs and charges attending such recovery, by distress and sale, in such manner as landlords

landlords are or shall be by law authorized to recover rents in arrear; and in order that the payment of the same principal and interest may, in cases of avoidance by death or otherwise, be justly ascertained between the parson, &c. avoiding such benefice, &c. or his representatives, and his successor, in such proportions as the profits of such benefice, &c. shall have been received by them respectively for the year in which such death or avoidance shall happen, such payment shall, in case any difference shall arise in settling the proportions thereof, be ascertained by 2 indifferent persons, the one to be named by the person making such avoidance, or his representatives in case of his death, and the other by the said successor; and in case such nominees shall not be appointed within 2 calendar months next after such death or avoidance, or in case they shall not agree in settling such proportions within one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman, to be nominated by the bishop, whose determination shall be final. By s. 8, it shall be lawful for the governors of the bounty of queen Anne, out of the monies which have arisen or shall arise from that bounty, to lend, in respect of each benefice, &c. the clear annual improved value whereof shall not exceed £50. any sum not exceeding £100. without interest, but for repayment of the principal whereof such mortgage as herein-before mentioned shall be executed; and also to lend, in respect of each benefice, &c. the clear annual improved value whereof shall exceed £50. any sum not exceeding 2 years' yearly income of such benefice, upon such mortgage as aforesaid, and to receive interest for the same at any rate not exceeding £4 per cent. per annum. And by s. 9. it shall be lawful for any college or hall within the universities of Oxford or Cambridge, or for any other corporate bodies, being owners of the patronage of ecclesiastical livings or benefices, to lend any money of which they have power to dispose, for the convenience of the parson, &c. for the time being, of any benefice, &c. within the patronage of such college or hall, upon mortgage as herein-before directed, either upon interest or without any interest.

This act provides, (s. 10.) that the consent of the patron and bishop to every deed of exchange, conveyance,

In cases of avoidance by death, &c. payment how apportioned for the year of such avoidance.

s. 8.

Governors of queen Anne's bounty empowered to lend money.

s. 9.

The universities, &c. where patrons, empowered to lend money.

s. 10

or

Patron and bishop to be executing parties to every such deed of exchange, &c.

s. 11.

Proviso as to exempt jurisdictions called peculiars.

s. 12.

Owners of lands, &c. or their trustees, &c. empowered to convey, by deed indented and registered, &c. and with consent of bishop and patron, to parsons, &c. lands, &c. for glebe, &c.

or mortgage, under this act, shall, before the same shall be signed and sealed by the parson, &c. be signified by the patron and bishop respectively, being made parties to, and signing and sealing the said deed in the presence of 2 or more credible persons, who shall, by indorsement thereon, attest such signing, &c. and in which attestation shall be expressed, that the same deed was so signed, &c. by such patron, &c. before the execution thereof by such parson, &c. This act provides (s. 11.) that the powers given by this act to the bishop of any diocese shall, with respect to the several exempt jurisdictions, called peculiars, locally situate within such diocese, be vested in and exercised by the archbishop or bishop to whom such peculiars shall belong, and not by the bishop in whose diocese such peculiars shall be situated, but that within every peculiar belonging to any other person or corporation than archbishops or bishops, such powers shall be vested in the bishop of the diocese within which such peculiars shall be situated. By s. 12. it shall be lawful for any owner or owners of any messuages, buildings, lands, or hereditaments, whether such owner or owners shall be a corporation sole or aggregate, or tenant or tenants in fee simple, or in fee tail general or special, or for life or lives, and for the guardians, trustees, or feoffees for charitable or other uses, husband, or committees of or acting for any such owner or owners, who at the time of making any exchange or purchase authorized by this act, shall be infants, feme coverts, or lunatics, or under any other legal disability, or otherwise disabled to act for themselves respectively, by deed or deeds indented, and to be registered as herein-after is mentioned, and with such consent, and to be signified as herein-before is mentioned, of such incumbent, and of the patron and bishop, to grant and convey to any parson, &c. for the time being of any ecclesiastical benefice, &c. any messuage, out-buildings, yards, gardens, and lands, with their appurtenances, or any messuage or out-buildings only, or any lands (with or without necessary out-buildings) only, of such owner or owners, in exchange for any parsonage house, out-buildings, yards, gardens, and

and glebe lands, and pastures, feedings, and rights of common, or any of them, or any part thereof, of or belonging to any such benefice, &c. or (in case of purchase) to sell and convey to such parson, &c. any lands not exceeding in the whole 20 statute acres, with the necessary out-buildings thereon, for such sum or sums of money as shall be certified to be the true value of the same at the time of the sale thereof, by a valuation to be made, as herein-after is directed; which said parsonage house, &c. shall for ever after such grant, &c. be vested in and settled upon the same person or persons, and to, for, and under the same uses, estates, trusts, and limitations, and subject to the same powers, conditions, charges, and incumbrances, as the said messuage, &c. so to be granted, &c. in exchange were vested in, &c. before such exchange, or would have been vested in, &c. in case such exchange had not been made; and which said money to be received for the purchase of any lands or hereditaments shall, in all cases where the lands, &c. so to be purchased belong to any corporation, &c. infant, &c. or person under any other disability, with all convenient speed, be paid into the bank of England, and in the name and with the privacy of the accountant general of the court of chancery, be placed to his account, *ex parte* the person or persons, or corporation, who would have been entitled to the rents and profits of such lands, &c. to the intent that such money shall be applied or laid out under the direction of said court, (to be signified by an order made upon a petition to be preferred by or on behalf of the person or persons who would have been entitled to such rents, &c.) in the purchase of the land tax, or towards the payment of any debts or incumbrances affecting the same lands, &c. or other lands, &c. standing settled to the same or the like uses, or in the purchase of other lands, &c. to be conveyed, &c. to the same uses, &c. as the lands, &c. so purchased stood settled, or such of them as at the time of making such purchase, &c. shall be existing and capable of taking effect; and until such purchase shall be made, the said money shall, by order of said court of chancery,

Parsonage house, &c. to stand limited to the same uses, &c. as the land, &c. taken in exchange.

And in cases of sales, the purchase money to be applied under the direction of the court of chancery:

And in the mean time invested in the public funds, &c.

upon

upon application thereto, be invested by the said accountant general, in his name, in some one of the public funds of this kingdom; and the dividends and annual produce thereof, shall, from time to time, be paid by order of said court, to the person or persons who would have been entitled to the rents, &c. of the said lands, &c. in case no purchase, &c. thereof had been made under this act.

s. 13.

No more than 5 statute acres to be granted, except by way of exchange, where owner an infant, &c.

Provided (s. 13.) that nothing herein shall enable any corporation, &c. or tenant in fee-tail, general or special, or for life or lives, or the guardians, trustees, or feoffees for charitable uses, husbands, or committees of or acting for any such owner or owners as aforesaid, who, at the time of making any sale authorized by this act, shall be infants, &c. or under any other legal disability, or otherwise disabled to act for themselves, himself, or herself, to sell or convey, (except by way of exchange, as by this act directed,) any lands or grounds whatsoever, for any of the purposes of this act, exceeding 5 statute acres. And pro-

s. 14.

Six months' previous notice of intended sale or exchange to be given in public newspapers.

vided (s. 14.) that where any exchange or purchase shall be made under this act, 6 calendar months' previous notice, describing the particulars, extent, and situation of the premises respectively to be given and taken in exchange or purchased, shall be given of the intention to make such exchange, &c. by the insertion of the same notice for 3 successive weeks in some one and the same newspaper of and in general circulation in each county wherein the premises so to be given, &c. in exchange, &c. or any part thereof, are situate; and also by affixing such notice in writing on a conspicuous part of the door of the church or chapel of each parish or chapelry, wherein such premises, or any part thereof, are situate, on 3 Sundays successively whereon divine service shall be performed, and shortly before the commencement of such service on each Sunday in such church, &c. And by s. 15. whenever any exchange or

Notice also affixed to church door, &c.

s. 15.

Maps of the lands, &c. to be given or taken in exchange, or to be purchased, shall be made by approved surveyor, and verified on oath.

purchase is intended to be made under this act, a map or maps under an actual survey, on oath, (which oath any justice of the peace may administer) by some competent surveyor, to be approved of by the patron, bishop, and incumbent, shall, in cases of exchange, be made and taken

taken of the whole of said glebe lands, or of such part or parts thereof as will sufficiently enable the bishop to judge of the convenience and expediency of the proposed exchange, and also of the glebe or parsonage house, buildings, and premises, any part of which it is proposed to exchange, as well as of the other lands, house, buildings, and premises, proposed to be taken in exchange; and shall, in cases of purchase, be made and taken of the whole of the lands, &c. so to be purchased; and in cases of exchange the same surveyor shall, in like manner, make a valuation on oath, (to be administered as aforesaid) of the said glebe lands, house, &c. and also of the lands, house, &c. intended to be taken in exchange, and, in cases of purchase, the same surveyor shall, in like manner, make a valuation on oath, of the lands, &c. so intended to be purchased; and every such valuation shall distinctly specify the value of all timber and other trees growing thereon, and of the rights of common, and of all mines, minerals, and quarries, (if any) and of all other rights, profits, and advantages, to the said premises or either of them, or any part or parcel of the same, respectively belonging. And by s. 16. in all cases as well of exchange as of purchase under this act, the bishop, on receiving such maps and valuation, shall, if he shall in the first instance so far approve of said exchange or purchase, issue a commission of inquiry under his hand and seal, directed to such persons as he shall think proper, not being fewer than 6 in number, and of whom 3 at the least shall be beneficed clergymen actually resident in the neighbourhood of the benefice, &c. whereto it shall be proposed to annex any buildings or lands by exchange or purchase under this act, and of whom one shall be a barrister at law of 3 years standing at the least, to be named by the senior judge in the last preceding commission of *nisi prius* for the county in which the said benefice, &c. shall be situate, [*or if the benefice, &c. be situate within the county palatine of Chester, or principality of Wales, then

Such surveyor to value, upon oath, the said lands, &c. and all timber, mines, &c.

s. 16.

Bishops to issue commissions of inquiry previous to any exchange or purchase being effected under this act.

(56 Geo. 3. c. 52. s. 2. E. & W.)

* The clause within the crotchets is the amendment of the 56 Geo. 3. c. 5. s. 2.

*Majority to
sign return.*

*Return to com-
mission what to
certify.*

s. 17.

*Where patron a
minor, &c.
guardian, &c.
may execute
deed.*

s. 18.

*Where patron-
age is in the
crown, deed
how executed.*

then such barrister to be named by the chief justice for the time being of the county palatine of Chester, or by the justice (or, in case of his absence, the other justice) of the great sessions for those counties of Wales, within which the said benefice, &c. shall be situate]; and the return to which commission of inquiry shall be made and signed by a majority of persons therein named, after an actual inspection by them of all the premises, with such map and valuation before them, and not otherwise; and 3 at least of the persons making and signing the same, shall be either 3 such beneficed clergymen actually resident as aforesaid, or 2 at least of such beneficed clergymen, &c. together with such barrister as aforesaid; and in no case shall any exchange or purchase be effected under this act, unless such commission shall have been previously issued and returned, and unless the return to such commission, so made and signed as aforesaid, shall certify that after an actual inspection and examination of the premises, such exchange, &c. in the judgment of the persons making the said return, is proper to be made, and will promote the permanent advantage or convenience of the incumbent of such benefice, &c. and his successors in the same. By s. 17. whenever the patron of any benefice, &c. to which the provisions of this act extend, shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian, committee, or husband of such patron, to transact the several matters, and execute the requisite deeds as aforesaid, for such patron, who shall be bound thereby. Provided (s. 18.) that where the patronage of any benefice, &c. to which the provisions of this act extend, shall be in the crown, and such benefice or living shall be above the yearly value of £20 in the king's books, the consent of the crown to the several proceedings hereby authorized respecting such benefice, &c. shall be signified by the execution of the deeds or instruments herein before directed, by the lord high treasurer or first lord commissioner of the treasury for the time being; but if such benefice, &c. shall not exceed the yearly value of £20. in the king's books, such consent shall

shall be signified by such execution by the lord chancellor, &c.; and if such benefice, &c. shall be within the patronage of the crown, in right of the duchy of Lancaster, then such consent shall be signified by the execution of such deeds or instruments by the chancellor of the said duchy for the time being. And by s. 19. one part of all deeds and instruments to be made and executed in pursuance of this act, together with the maps and valuations, and the commissions of inquiry and returns to the same herein-before directed, shall, within 12 calendar months next after the dates thereof, be deposited in the office of the registrar of the diocese, to be perpetually kept therein, except as to those benefices which are under the peculiar jurisdiction of any archbishop or bishop, in which case such document shall be deposited in the office of the registrar of that peculiar jurisdiction to which any such benefice, &c. shall be subject; and such registrars shall respectively, &c. deposit and preserve the same, and shall give and sign a certificate of such deposit thereof, to be written on a duplicate, or on any other part of the said deeds, or any of them, or on some other separate parchment, paper, or instrument; and every such deed, &c. shall be produced at all proper and usual hours at such registry, to every person applying to inspect the same, and an office copy of each such deed, &c. certified under the hand of the registrar, (which the registrar shall grant to every person who shall apply for the same,) shall be allowed as legal evidence thereof in all courts; and every such registrar shall be entitled to 10s. (besides the stamp duty if any,) for such commission and the previous requisites thereof; and the sum of 5s. for so depositing the said deeds, settlements, map, survey, valuation, commission, and instruments, and so certifying such deposit thereof; and 1s. for each such search, and 6d. (besides the stamp duty,) for each folio of 72 words of each such office copy so certified as aforesaid. By s. 20. such of the forms contained in the schedules of the said recited acts 17 Geo. 3. c. 53. and 21 Geo. 3. c. 66. as are applicable to the provisions of this act, and with such variations

s. 19.

One part of all deeds, maps, &c. to be deposited in the office of the registrar of diocese, &c.

What fees to be paid for office copies of such deeds, &c.

s. 20.

The schedules of 17 Geo. 3. c. 53. and 21 Geo. 3. c. 66. applied to this act.

s. 21.

Proviso as to laws enabling persons to augment, &c. benefices.

Incumbents of benefices, &c. may apply the prices of timber cut on glebe lands, &c. towards the exchange or purchase of houses, &c.
56 Geo. 3. c. 52. E. & W.

as shall render the same so applicable, shall be used and applied to the purposes of this act. Provided (s. 21.) that nothing in this act shall repeal or abridge any law now in force, enabling any person or corporation, &c. to augment or improve any ecclesiastical benefice, &c.

This act is amended by the 56 Geo. 3. c. 52. E. & W. which provides, that it shall be lawful for the incumbent of any benefice, perpetual curacy, or parochial chapelry, with the consent of the patron of such benefice, &c. and of the bishop of the diocese wherein the same is locally situate, or of the archbishop or bishop to whom the peculiars wherein such benefice, &c. is situate shall belong, (such consent to be signified as in the 55 Geo. 3. c. 147. is mentioned,) to pay and apply the monies to arise by sale of any timber cut and sold from the glebe lands of such benefice, &c. or from any other land, whether copyhold holden under any manor of such benefice, &c. or otherwise, the timber whereof belongs to such benefice, &c. either for equality of exchange, or towards and in part of equality of exchange, or for the price or purchase money, or in part of the price, &c. of any house, out-buildings, yards, gardens and appurtenances, or any lands, or any or either of them, by the 55 Geo. 3. c. 147. authorized to be taken in exchange, or to be purchased, and after such exchange to be annexed to and become the parsonage and glebe house, and glebe lands and premises of such benefice, &c. as in the 55 Geo. 3. c. 147. is mentioned. (*vide* s. 2. *ante* page 143.)

Rectors, &c. may exchange distant glebes, or part thereof, for lands more contiguous.

2. Ann. c. 10. Ir.

P. 345. l. 8. The 2 Ann. c. 10. Ir. (which was continued from time to time by five several statutes, and finally made perpetual by the 40 Geo. 3. c. 96. s. 1. Ir.) was omitted to be stated in the original work, and is therefore proper for this place. This statute enacts, that it shall be lawful for the several rectors, vicars, and other persons having any cure of souls in Ireland, by deed or deeds, to exchange such glebes as lie at a distance from the parish church, or any part of such glebes, with any archbishop, bishop, or other [* person] for lands of equal value, worth, and purchase

* Extended to lay corporations by 13 & 14 Geo. 3. c. 27. s. 2. Ir.

chase, [*lying near and convenient to said church]: provided the bishop of the diocess, with his dean and chapter, under his and their common seals, and the patron of such church, or his lawful attorney, (where the patronage is in any other than the bishop,) under his hand and seal, to such deed or deeds of exchange, approve thereof; and where the patronage is in the crown, the chief governor of Ireland is empowered to give consent, &c. under his hand and seal. But by s. 2. before the sealing and perfecting such deeds of exchange, the sheriff of the county, where both or either of the lands to be exchanged shall be, at the request of the bishop, patron, and parties concerned, may call a jury of 12 good and indifferent freeholders, whereof notice shall be given at some preceding county court, and likewise of the time and place where and when the said jury is to meet; and the said jury shall inquire of the true value and quantity of the lands, and conveniency of the exchange, &c. by the oaths of good, knowing, and substantial witnesses; and the said value and conveniency so found, together with the mears and bounds thereof, shall return to the bishop where both or either of the said lands so to be exchanged are; who shall procure the said return and deeds of exchange to be recorded in the court of exchequer, in the first remembrancer's office; for which inquest the sheriff shall receive a fee of 10s.; and the remembrancer, for recording the same and the said deeds, shall receive 6s. 8d. and no more. By s. 3. the said lands so given in exchange for such glebes, or any part thereof so exchanged, shall be held, &c. by such rectors or vicars, and their successors for ever, as glebe, notwithstanding the same did formerly belong to any archbishop, bishop, tenant for life or in tail, with the consent of the person immediately next in remainder; and such old glebe, or the part so given in exchange, shall remain to such uses as the

Consent of bishop, dean and chapter, and patron, required.

s. 2.

Jury to inquire of value, &c. of lands, and conveniency of exchange.

Return made and recorded.

s. 3.

The old glebe to stand limited to same uses as land exchanged.

* The 5 Geo. 2. c. 6. Ir. which continued this act for 21 years, authorized (by s. 8.) the exchange for land more conveniently situated though not so near the church, but the 40 Geo. 3. c. 96. Ir. which perpetuates the 2 Ann. c. 10. does not notice this amendment.

s. 4.

Bishops, &c. may grant to rector, &c. 20 acres of land belonging to bishopricks, &c. for glebe to church not already so endowed.

Moiety of present rent to be reserved payable by four equal portions, &c.

s. 5.

Land so granted to be the glebe.

New churches deemed parish churches, though not built upon the ancient scites.

53 Geo. 3. c. 66. I.

Proviso as to its being built in church-yard, &c.

the land given for the same was formerly limited. And this statute further provides, (s. 4.) that it shall be lawful for every archbishop and bishop, dean, dignitary or prebendary, having land belonging to their bishopricks, deanry, dignity, or prebend, near any church, and convenient for a glebe for said church, not already endowed with 20 acres of glebe, with the consent of his respective dean and chapter, to grant any quantity thereof, not exceeding 20 acres plantation measure, to the rector or vicar, or other ecclesiastical person having the actual cure of souls, and their successors, at the moiety of the present yearly rent *per annum*, or for any greater sum; which rent shall be paid by such rectors, &c. and their successors, to the said bishop, dean, &c. and their respective successors for ever, by four equal portions, viz: at the feasts of the annunciation, &c. of St. John baptist, St. Michael the archangel, and of the nativity of our Saviour; and, in case of non-payment, it shall be lawful for the said bishop, dean, &c. or their successors, to distrain or sue for the same, and all arrears thereof. And by s. 5. the said 20 acres, or lesser quantity of land so granted, shall be reputed as the glebe of the parish to whose incumbent and successors it is granted.

P. 353. l. 2. The 53 Geo. 3. c. 66. I. recites, that in cases where it has been necessary to rebuild parish churches, doubts have been entertained whether any change could lawfully be made in the scite thereof, even within the limits of the church-yard of the parish; and therefore enacts, that every church in Ireland which has been rebuilt within the last 50 years, shall be deemed to be the parish church of the parish or union in which it is situated, to all intents and purposes, notwithstanding the scite or position of such church shall be different from the old one; provided it has been erected on ground set apart as a church-yard for the parish; and in all cases hereafter, when it shall be necessary to rebuild any parish church, such new church shall be deemed to be the parish church, to all intents, &c. notwithstanding the scite of the new church shall be different from that of the old one: provided

vided that such new church shall be erected on the ground set apart as a church-yard for the parish; and provided also that the plan of such new church, and the change in the position thereof, shall be approved by the archbishop of the province, and the ordinary of the diocese in which it is situated. And the 54 Geo. 3. c. 117. I. recites the clause of the 33 Geo. 2. c. 11. Ir. which enabled archbishops, bishops, deans, deans and chapters, archdeacons, dignitaries, or prebendaries, and bodies corporate, as also persons seised in fee simple or fee tail, or for life with remainder over to their issue, to grant land, not exceeding one acre, as a scite for a church and church-yard; and enacts, that it shall be lawful for any rector or vicar of any parish or united parishes in Ireland, with the consent of the bishop of the diocese, by deed executed by such rector, &c. with such consent as aforesaid, testified by the execution of such deed by such bishop, to grant any part of the glebe land belonging to such rector, &c. not exceeding one acre plantation measure, to the churchwardens of said parish and their successors for ever, as the scite of any new church to be built for the use of such parish, and for a church-yard for the use of the parishioners, or to improve and extend the church-yard of any parish; and such grant shall be good against such rector, &c. and his successors, and the church-wardens and their successors shall be capable of receiving such grant.

And the 56 Geo 3. c. 141. E. & W. also provides, that it shall be lawful for any spiritual or ecclesiastical body corporate, or spiritual person being a corporation sole, possessing any land adjacent to any cemetery, church-yard or burying ground, to sell, by indenture of bargain and sale, inrolled in chancery within 6 calendar months, for the purpose of consecration, such portion thereof as may be necessary for enlarging such cemetery, &c. not exceeding one acre. Provided (s. 2.) that in case of any spiritual person, being a corporation sole, the consent of the bishop of the diocese or ordinary, and of the patron of the living held by such corporation sole, shall be testified by their being parties to the alienation of the said land; and

54 Geo. 3.c.117.
I.

*Rectors or vicars
may grant an
acre of their
glebes for the
scite of a new
church and
church-yard.*

56 Geo. 3.c.141.
E. & W.

*Ecclesiastical
corporations
may alienate
land, for enlarg-
ing cemeteries.*

s. 2.

*Consent of bi-
shop and patron
required.*

Value of land to be ascertained.

If above £100. other lands to be conveyed in exchange.

If under how applied.

s. 3. Title not questioned for form after 20 years.

s. 4. Burial ground discharged of adverse titles after 20 years.

Church-rates and parish cesses, not exceeding £10. recovered summarily before 2 justices of peace. 53 Geo. 3. c. 127. s. 7. E.

and that previously thereto the value of such land shall be ascertained, and, together with a description thereof, be committed to writing by some competent person, to be named by the ordinary; which person so appointed shall verify the same on oath, before a justice of the peace for the county, town, or district, in which such land is situated; and in case the value shall appear to exceed £100, other lands, of at least an equal value, estimated and verified in manner aforesaid, shall be legally conveyed to and for the same uses as the lands conveyed by the said spiritual persons or corporations sole, and as the consideration thereof; and in case the value shall appear not to amount to £100. but shall exceed £20. such value shall be paid to the governors of the bounty of queen Anne, for the augmentation of the maintenance of the poor clergy, to be by them used and applied for the benefit of such spiritual person or corporation sole, in the same manner as they are now empowered by law to apply other sums coming into their hands; and in case the value shall not amount to £20. the same shall be paid in money to such spiritual person, &c. to be by him applied at his own discretion. Provided (s. 3.) that no alienation made by virtue of this act shall be questioned after 20 years from the time of such alienation, on account of any want of compliance with the forms prescribed by this act. And by s. 4. all ground which has been or shall be consecrated as burial ground shall, after 20 years from such consecration, be considered as discharged from all adverse titles, claims and demands, and as absolutely vested in the trustee or trustees, if any, thereof; and if there should not be any such trustee, then in the vicar or perpetual curate, if any, for the time being; and if there should not be any vicar or perpetual curate, then in the rector for the time being of each parish in which such burial ground is or shall be situate.

P. 353. l. 11. The 53 Geo. 3. c. 127. E. enacts, (s. 7.) that if any one duly rated to a church rate or chapel rate, the validity whereof has not been questioned in any ecclesiastical court, shall refuse or neglect to pay the sum at which he is so rated, it shall be lawful for any one justice of

of peace of the same county, riding, city, liberty, or town corporate, where such church, &c. is situated, upon the complaint of any church-warden or chapel-warden who ought to receive and collect the same, by warrant under the hand and seal of such justice, to convene before any 2 or more such justices of the peace any person so refusing, &c. to pay such rate, and to examine upon oath into the merits of said complaint, and, by order under their hands and seals, to direct the payment of what is due in respect to such rate, so as the sum directed to be paid do not exceed £10. above the reasonable costs and charges to be ascertained by such justices; and upon refusal or neglect of such party to pay according to such order, it shall be lawful for any one of such justices, by warrant under his hand and seal, to levy the money thereby ordered to be paid, together with such costs, &c. by distress and sale of such offender, his executors or administrators, rendering the overplus, the necessary charges of distraining being thereout first deducted; and any person aggrieved by any judgment given by such 2 or more justices, may appeal to the next general quarter sessions to be held for the county, &c. wherein the church, &c. is situated, and the justices there present, or the major part of them, shall finally determine the matter; and if the justices shall affirm the judgment, the same shall be decreed, with costs, against the appellant, to be levied by distress, &c.: provided that in case any such appeal be made, no warrant of distress shall be granted until after such appeal be determined: provided also that nothing herein shall alter or interfere with the jurisdiction of the ecclesiastical courts to determine causes touching the validity of any church rate or chapel rate, or from proceeding to enforce the payment of any such rate, if the same shall exceed £10.: provided likewise, that if the validity of such rate, or the liability of the person from whom it is demanded to pay the same, be disputed, and the party disputing the same give notice thereof to the justices, they shall forbear giving judgment thereupon, and the person demanding the same may then proceed to the recovery of his demand, according

Appeal to quarter sessions.

Saving for ecclesiastical jurisdiction where rate &c. exceeds £10.

Jurisdiction of justices superseded, if validity of rate, or liability of person, questioned.

54 Geo. 3. c. 68.
s. 7. I.

*Similar law with
respect to Ire-
land.*

according to due course of law, as heretofore accustomed : and provided that nothing herein shall affect any regulations that may have been made by authority of parliament, respecting the church rates, &c. of any particular parishes or districts. The 54 Geo 3. c. 68. I. contains a similar clause (s. 7.) with respect to Ireland ; but contains this further proviso, that nothing herein shall alter or make void any clause, &c. respecting the rebuilding and repairing of churches contained in the 12 Geo. 1. c. 9. Ir.

Of the Civil State.

*Persons holding
offices under the
crown, during
pleasure, may,
at the demise
of his majesty,
continue to hold
during pleasure
of successor.*

57 Geo. 3. c. 45.
U. K.

P. 360. l. 8. The 57 Geo. 3. c. 45. U. K. provides, that every person who, upon the day of the demise of his present majesty, shall hold any office, civil or military, under the crown, during pleasure, shall, by virtue of this act, without any new or other patent, commission, warrant, or authority, continue and be enabled in all respects, notwithstanding such demise, &c. to hold the same ; but, nevertheless, the same shall be enjoyed only during the pleasure of the king or queen who shall succeed to the crown, and shall be determinable in like manner as any office, &c. to be granted during the pleasure of such succeeding king or queen : provided that nothing in this act shall deprive the heirs and successors of his majesty, kings or queens of this realm, of the power of removing and discharging any persons from their respective offices, places and employments.

Of the Military and Maritime State.

*Additional non-
commissioned
officers appoint-
ed for supernu-
meraries of
militia.*

53 Geo. 3. c. 81.
s. 5. G. B.

P. 365. l. 4. The 53 Geo. 3. c. 81. G. B. provides, (s. 5.) that it shall be lawful for the commandant of any regiment, &c. of militia, with the approbation of his majesty, to appoint additional non-commissioned officers and drummers to such regiment, &c. in the proportion of

one additional serjeant, and one additional corporal, and one additional drummer, for every 50 supernumeraries his majesty may order to be raised for such regiment, &c.

And (by s. 6.) that it shall be lawful for his majesty to allow and order the raising by beat of drum for the militia of each county, over and above the quotas to which the militia is to be reduced under the 51 Geo. 3. c. 20.

s. 6.
What number of supernumeraries may be raised.

G. B. (see *Addenda I. P. 23.*) such number of supernumeraries as his majesty shall direct, not exceeding one half of the amount of the quotas above mentioned. And it

is a provision of this act, (s. 7.) that it shall be lawful for the colonels or commanding officers of regiments of militia, and the commissioned and non-commissioned officers thereof, with the approbation of his majesty, to raise men for the militia by beat of drum, at the head quarters of their respective regiments, or within 10 miles thereof,

s. 7.
Militia-men may be raised at head quarters, &c. though not in their own, or any adjoining county.

although such head quarters, or circle of 10 miles, may not be within the county to which the militia shall belong, or any adjoining county. This statute also regulates the number of men allowed to enlist from the militia into his majesty's regular forces, in proportion to the establishment of each regiment; and amends the several acts relating to the militia in other respects. The 53 Geo. 3. c. 20. E.

53 Geo. 3. c. 20. E.
Corps of miners.

extended the 51 Geo. 3. c. 20. G. B. (see *Addenda I. P. 23.*) to the corps of miners of Cornwall and Devon, and provides that the number who shall enlist in the regular forces, shall not exceed one-seventh part of the quota fixed by the 42 Geo. 3. c. 62. under which said corps was raised. But the 51 Geo. 3. c. 20. has been since repealed

by the 56 Geo. 3. c. 64. G. B. And the 53 Geo. 3. c. 132. U. K. has amended the 51 Geo. 3. c. 118. U. K. (see *ADDENDA, I. P. 23.*) by extending the services of the militia of the Tower Hamlets to all parts of the united

53 Geo. 3. c. 132. U. K.
Militia of the Tower Hamlets.

kingdom. The 55 Geo. 3. c. 65. G. B. among other amendments of the laws relating to the militia of Great

55 Geo. 3. c. 65. s. 5. G. B.

Britain, provides, (s. 5.) that it shall be lawful for his majesty to order that the militia shall be trained and exercised for any period not exceeding 28 days in any year, notwithstanding the 43 Geo. 3. c. 19. G. B. And

His majesty may order militia to be trained, &c. for less than 28 days in any year.

s. 9. it is also a provision of this act (s. 9.) which may be here noticed, that in any case of the illness or absence from any county, &c. in Great Britain, of the lieutenant thereof, it shall be lawful for the vice lieutenant, being authorized for that purpose by the lieutenant, to grant commissions to officers to serve in the militia of such county, &c. upon any vacancy which shall then happen, and to do all other acts which might lawfully be done by the lieutenant. The 57 Geo. 3. c. 57. U. K. recites (s. 2.) that by the 42 Geo. 3. c. 90. G. B. the quotas of the militia of the several counties, &c. were specified, and provisions made for ascertaining other quotas at periods specified in the said act; but that the quotas specified in said act had since continued, but may require to be regulated before the expiration of the next period specified in the said act; and therefore provides, that it shall be lawful for his majesty to order, that the quotas of the several counties, &c. in Great Britain, shall be settled by the privy council, in the manner specified in said act, if his majesty shall deem it necessary, before the expiration of the next period specified in said act for settling such quotas; and all such quotas when so appointed in pursuance of any such order of his majesty, shall be deemed to be quotas ascertained under the 42 Geo. 3. c. 90.; and all such proceedings shall be had thereon, for the purpose of giving effect thereto, and apportioning the same among the hundreds, &c. or other divisions of each county, &c. and all provisions contained in any acts relating to the militia shall be applied for giving effect thereto, as if such quotas had been settled at any period specified in the 42 Geo. 3. c. 90. And this act also provides (s. 4.) that it shall be lawful for his majesty, by any order or orders signed by his majesty's secretary of state, to direct that the number of serjeants, corporals, and drummers to be retained in the militia on permanent pay, when not in actual service, shall be as follows: one serjeant and one corporal to every 40 private men, and one drummer for every two companies, with an addition of one drummer for

Vice-lieutenant to have the power of lieutenants in case of their absence, &c.

57 Geo. 3. c. 57. U. K.

His majesty may order privy council to settle the quotas of the militia of the several counties, &c. in Great Britain, before the period specified in the 42 Geo. 3. c. 90. for that purpose.

s. 4.

What number of serjeants, &c. may be retained on permanent pay, when not in actual service.

for each flank company of regiments or battalions consisting of five or more companies, instead of the number fixed by the 42 Geo. 3. c. 90 & 91. And by s. 3. militia-men enlisting into the East India Company's service, (as well as those who enlist them,) or becoming inrolled as militia-men for any other parishes or places than those for which they shall be then inrolled and serving, are made subject to the provisions of the 42 Geo. 3. c. 90. in relation to enlisting, &c. in his majesty's other forces, or being inrolled to serve in any other regiment of militia.

It is one of the provisions of the 57 Geo. 3. c. 57. U.K. that it shall be lawful for his majesty, by any order or orders in council, to suspend the calling out of the militia of the united kingdom, or any part of the united kingdom, or of any county, &c. (to be specified in such order,) for the purpose of being trained and exercised in any year. The 55 Geo. 3. c. 168. U. K. provides, that every officer, non-commissioned officer, drummer and private man of the militia of Great Britain or Ireland, who shall, during the period of the regiment, battalion, or corps to which he shall belong, being assembled for training and exercise, or being embodied, have been guilty of any offence against any act of parliament in force for the punishment of mutiny and desertion, or any articles of war made in pursuance thereof, may be tried by any general or regimental court martial, consisting of officers of the militia, although such regiment shall have been dismissed after training, &c. or shall have been disembodied. Provided (s. 2.) that the charges against such officer, &c. shall have been made out and delivered within 6 months after the regiment, &c. shall have been dismissed after training, &c. or disembodied. And this act (s. 3. & 4.) provides for the appointing of general courts martial, and regimental courts martial, for the trial of such offences. And by the 56 Geo. 3. c. 64. s. 4. U. K. all the provisions of the 55 Geo. 3. c. 168. *supra*, in relation to courts martial, and to the appointing, assembling, and attending of courts martial, shall extend to the trial and punishment of officers, non-commissioned officers, drummers or private men of the militia of Great Britain, remaining on permanent

s. 3.

Militia-men enlisting into E. India company service, or becoming inrolled for other parishes, &c. how punished.

His majesty may suspend the calling out of the militia of U. K. or any part, in any year.

57 Geo. 3 c. 57. s. 1. U. K.

55 Geo. 3. c. 168. U. K.

Offences committed while militia are assembled for training, or embodied, may be afterwards tried by court martial.

s. 2.

Charges to be delivered within 6 months after training, or being disembodied.

s. 3. & 4.

Courts martial how appointed.

56 Geo. 3. c. 64. s. 4. U. K.

Provisions of 55 Geo. 3. c. 168. extended to officers, &c. of militia of Great Britain, on permanent pay,

permanent pay, while the militia to which they shall belong shall be disembodied. And by s. 5. all non-commissioned officers, drummers, and private men of the militia, who shall at any time have deserted from the militia, shall be liable to be tried and punished for such desertion, at any time thereafter, whenever they shall be apprehended, although no charges shall have been made out or delivered according to the 55 Geo. 3. c. 168.

Deserters from militia may be tried whenever apprehended.
 54 Geo. 3. c. 11. U. K. The 54 Geo. 3. c. 11. U. K. provides, that every serjeant of militia who shall, after the passing of this act, (6th December, 1813) become entitled to his discharge, by reason of the expiration of any period of service fixed in any orders made by his majesty in that behalf, or shall have been discharged by reason of being an invalid or disabled, shall thereupon become legally entitled to receive such pension, allowance or relief, as shall have been fixed in any orders or regulations made by his majesty in relation to such cases, and for the payment whereof money shall have been voted by parliament. And by s. 5. all the clauses, &c. of the 46 Geo. 3. c. 69. (for making better provision for soldiers) shall be enforced in relation to any rules made for giving any pensions, &c. under this act, and the demanding, paying, receiving, recovering, and accounting for such pensions, &c.

Serjeants of militia may receive such pensions, &c. as shall be fixed by his majesty.
 s. 5. Provisions of 46 Geo. 3. c. 69. applied to this act.

The king or lord lieutenant may order one fourth of militia to be composed of boys.
 P. 367. l. 31. The 52 Geo. 3. c. 29. I. provides, that of the number of persons to be raised for the militia of any county, &c. in Ireland, by volunteering, it shall be lawful for his majesty, or for the lord lieutenant, &c. of

52 Geo. 3. c. 29. I. Ireland, to direct, that such proportion as he shall think fit, not exceeding one fourth part of the whole number of persons to be raised in each year, for such county, shall consist of boys of the age of 14 years and upwards, and of such height as his majesty or the lord lieutenant, &c. may direct, who shall be raised by beat of drum.

Commander in chief of forces in Great Britain, to command, &c. Irish militia, when out of Ireland.
 s. 2. And by s. 2. wherever any regiment, or part of a regiment of the militia of Ireland, shall be out of Ireland, all the powers, &c. which there shall be occasion to exercise by the commander in chief of his majesty's forces in Great Britain, may be exercised as they might be by the commander of the forces in Ireland, if such regiment,

&c.

&c. were in Ireland. The 53 Geo. 3. c. 48. I. also amends the laws for raising and training the militia of Ireland, by enacting (s. 1.) that paymasters may hold subaltern commissions. And by s. 2. such fines as shall be imposed on counties defective in supplying militia-men, by virtue of the 49 Geo. 3. c. 120. s. 141. I. (see ADDENDA I. P. 25.) shall be levied under the warrant of the treasurer of the county, as county presentments. But by s. 4. such fines shall not be imposed for any deficiency in volunteering for the original augmentation of any regiment, nor for the supplying of any vacancies in the augmented number of any regiment, where the original quota shall have been or shall be apportioned among the several parishes and districts in manner directed by the 49 Geo. 3. c. 120. I. And this act provides (s. 6.) that the lord lieutenant of Ireland may order any augmented regiment or regiments of militia raised or to be raised in Ireland, to be reduced to their original establishment. This act (s. 3 & 5.) regulates the amount and application of the bounty of militia-men. The 54 Geo. 3. c. 179. I. has amended the 49 Geo. 3. c. 120. I. so far as respects the duty of quarter masters, and the appointment and removal of agents for the militia. And the 57 Geo. 3. c. 104. I. provides, that after the passing of this act, no vacancy which shall occur by the death, dismissal, or removal of any serjeants, corporals, or drummers of any regiment or battalion of the militia of Ireland, which shall not be embodied and called out into actual service, shall be filled up until the number of such serjeants, &c. shall be reduced below the number of one serjeant and one corporal for every 30 private men, and one drummer to every company; and after such reduction by death, &c. as aforesaid, the ordinary establishment of every regiment, &c. while the same shall be disembodied, and shall not be called out into actual service, shall consist of one serjeant and one corporal to every 30 men, and one drummer to every company, with an addition of one drummer to each flank company; and if there shall then remain a surplus of 15 men and less than 30, every such regiment shall have one additional corporal for such surplus number of men; and when any such regiment shall

53 Geo.3.c.48.
I.

Paymasters
may hold subal-
tern commis-
sions.

s. 2.

Fines on coun-
ties levied by
treasurer's war-
rant.

s. 4.

Fines not to be
imposed for any
deficiency in
volunteering for
augmentation,
&c.

s. 6.

Lord lieutenant
may order aug-
mented regi-
ment to be re-
duced.

s. 3. & 5.

Bounty of
militia-men.

54 Geo.3.c.179.
I.

Quarter mas-
ters and agents.

57 Geo.3.c.104.
I.

Number of ser-
jeants, &c.
while regiment
shall be disem-
bodied, &c.

shall be drawn out into actual service, such addition shall be made thereto, that there shall be one serjeant and one corporal to every 20 private men, and 2 drummers to every company.

Statutes respecting local militia incorporated.

52 Geo. 3. c. 38. E. & W.

s. 14.

Number to be raised in the several counties.

s. 38.

What persons exempted from service.

P. 370. l. 8. The 52 Geo. 3. c. 38. E. has incorporated the provisions of the 48 Geo. 3. c. 111. 49 Geo. 3. c. 40. 49 Geo. 3. c. 82. 49 Geo. 3. c. 129. and 50 Geo. 3. c. 25. relating to the local militia of England, with several amendments: But I shall content myself with noticing the following clauses of this voluminous act. By s. 14. his majesty is empowered to order a number of private men, not exceeding the numbers herein specified for the several counties in England and Wales respectively, to be inrolled to serve in the local militia at such periods and in such counties, and in such proportions in any such counties, divisions or parts thereof, as his majesty by any warrant under his sign manual shall direct in that behalf. But by s. 38. no peer of the realm, nor commissioned officer in the regular militia, or in his majesty's other forces, or in any of his majesty's castles or forts, nor any officer on the half pay of the navy, army, or marines, nor any non-commissioned officer or private man serving in the regular militia, or in any of his majesty's other forces, nor any effective member of any corps of yeomanry or volunteers, and duly returned as such, nor any person being a resident member of either of the universities, nor any clergyman, nor any teacher or preacher in holy orders, or pretending to holy orders, (not carrying on any trade or exercising any other occupation for his livelihood, except that of a schoolmaster,) having taken the oaths and made and subscribed the declaration required by law from the teachers or preachers of congregations of dissenting protestants, and being, *bona fide*, the teacher of any congregation whose place of meeting shall have been registered at least 12 months previous to the general meeting appointed to meet in October, for the purposes of this act; nor any constable or other peace officer not being a special constable; nor any seaman or seafaring man, nor any man mustered, trained, or doing duty, or employed in any of his majesty's docks or dock yards for the service thereof, or employed

employed or mustered in his majesty's service in the tower of London, Woolwich Warren, the several gun wharfs at Portsmouth, or at the several powder mills, powder magazines, or other storehouses belonging to his majesty, under the direction of the board of ordnance, nor any person being free of the company of watermen of the river Thames, nor any poor man who has more than two children born in wedlock, nor any person receiving his education on an eleemosynary foundation, shall be liable to serve in the local militia; and no person having served personally in the regular militia, or additional force, or provided any substitute, or for whom any substitute has been provided, or paid any fine for not serving or finding a substitute in the regular militia, or such additional force as aforesaid, shall be liable to serve in the local militia until 4 years after the expiration of his period of service, if he shall have served in person, or 6 years after such substitute shall have been inrolled, or 4 years after having paid any such fine; [*and no person having paid any fine, or upon whom distress has been made for any fine] for not serving in the local militia, shall be liable to serve until after 2 years from the period of having paid such fine, or suffered such distress. This act (s. 68.) provides for the forming the local militia into regiments, and dividing them into companies, and prescribes the number of officers for each; and enacts (s. 195.) that the acceptance of a commission in the local militia shall not vacate the seat of any member returned to serve in parliament. By s. 39. all persons hereafter inrolled to serve in the local militia, shall only be entitled to exemption from service in the regular militia, for one year from the expiration of their period of service: but no person shall be entitled to such exemption, who shall not produce a certificate signed by his commanding officer, of his having attended at the last period of annual training and exercise, or that he was prevented by illness, or bodily infirmity, or that he was absent by permission of his commanding

s. 68.

*Regiments
formed and
officered.*

s. 195.

*Accepting com-
mission does not
vacate seat in
parliament.*

s. 39.

*What service
in local militia
excuses from
serving in re-
gular militia:*

* This clause is amended by the 52 Geo. 3. c. 116. E. & W. which extends the exemption to such persons as shall have served personally in the local militia, during the period for which they shall be liable.

- s. 197. *Serjeants, &c. not compellable to serve as peace officers, &c.* manding officer. And by s. 197. no serjeant, corporal, drummer, or private of the local militia, shall be compelled to serve as a peace officer, or parish officer, from the time of his inrolment until regularly discharged. By
- s. 85. *Pay of local militia.* s. 85. the local militia, when drawn out and embodied, shall be entitled to the same pay and allowances, for themselves and families, as his majesty's other militia forces when drawn out, &c. And by s. 116. his majesty may order that such proportion of serjeants, corporals, and drummers, not exceeding one half of each rank, with the adjutant, quarter master, and staff serjeants of each regiment, battalion, or corps, shall remain on permanent pay at the head quarters of each regiment, &c. as his majesty shall direct. By
- s. 116. *Serjeants, &c. may be continued on permanent pay.* s. 89. it shall be lawful for his majesty, by any order notified by his secretary of state, upon the application of the lieutenant of any county in which the principal town or towns of such county shall not afford sufficient accomodation for the quartering of the local militia of the county, during their training and exercising, or in any case in which it may be more convenient with respect to the residence of the persons inrolled, and to the distance they may have to march for the purpose of being trained, &c. to order the local militia of such county, or any regiment or regiments thereof, or any detachment or company, to be marched into any adjoining county for that purpose. But
- s. 89. *Local militia may be trained, &c. in adjoining county.* by s. 124. neither the whole nor any part of the local militia shall, on any account, be carried or ordered to go out of Great Britain. By s. 128. 137. & 140. if any person of the said local militia ordered to be drawn out and embodied, as by this act is provided, (not labouring under any infirmity incapacitating him to serve, &c.) shall not appear and march in pursuance of such order, or with due diligence join the regiment, &c. or abide the orders of the deputy lieutenant attending in pursuance of this act, &c. he shall be liable to be punished as a deserter, according to the provisions of any mutiny act, &c. then in force. And by s. 95. every officer, non-commissioned officer, and private of the local militia, who shall, while his regiment shall be embodied, or assembled for training and exercise, or for the suppression of riots and tumults, have been
- s. 124. *In no case to be carried out of Great Britain.* s. 128. 137. 140. *Persons refusing to march, &c. punished as deserters.*
- s. 95. *Officers, &c. may be tried by court martial, though regiment disembodied, &c.*

been guilty of any offence against any mutiny act, &c. then in force, may be tried by any general or regimental court martial consisting of officers of the militia or local militia, although such regiment shall not at the time of trial be embodied or assembled. By s. 64. it shall be lawful for any person ballotted or inrolled to serve, or serving in the local militia, to enlist or enter into his majesty's army, navy or marines, or as a substitute or volunteer in the regular militia of the same or some adjoining county, at any time, except during such portion of the period of being assembled for the purpose of annual training and exercise, as his majesty shall by any order prescribe; but no serjeant, corporal, or drummer, on permanent pay, shall be allowed to enlist at any time without the consent in writing of his commanding officer. By s. 123. & 155. his majesty is empowered in all cases of invasion, or imminent danger thereof, and in cases of rebellion, to draw out and embody the local militia, or any part or proportion thereof, or to order by proclamation that, in addition to the number of men to be raised under this act, there shall be forthwith raised in the several counties such number of men as will, together with the effective yeomanry and volunteers serving in such counties, &c. make the whole force equal to six times the original quota of regular militia established by the 42 Geo. 3. c. 90. Eng. And it is provided (s. 125. & 156.) that when his majesty shall so order the local militia, or additional number, &c. to be raised and inrolled, or drawn out and embodied, if the parliament shall then be separated by such adjournment or prorogation as will not expire within 14 days, his majesty shall issue a proclamation for the meeting of parliament within 14 days. By s. 90. whenever the local militia of any county shall have been called out for the purpose of being trained and exercised, his majesty may, by order of the principal secretary of state, direct any part thereof to be dismissed, and from time to time again direct the assembling of any such local militia, or any part thereof, for the purpose of being trained, &c. And by s. 153. his majesty is also empowered from time to time to disembody any part of any local militia of any county,

s. 64.

Local militia-men may enlist into army, &c. except while training, &c.

s. 125. & 155

In cases of invasion, &c. what number of local militia may be embodied.

s. 125. & 156.

Parliament, if then adjourned &c. to be summoned to meet.

s. 90. & 153.

His majesty may dismiss and re-assemble any part of local militia.

&c. and again to draw out and embody such militia, or any proportion thereof. The 52 Geo. 3. c. 68. S. contains similar provisions with respect to the local militia of Scotland. The 56 Geo. 3. c. 38. G. B. provides, that it shall be lawful for his majesty, by any order in council, to direct that the ballot or inrolment for the local militia, shall be suspended for the period specified in such order, and from time to time, by the like order, to continue such suspension.

Number of days necessary to constitute an effective attendance at muster, &c. of yeomanry, &c. reduced.

56 Geo. 3. c. 39. G. B.

s. 2.

Five successive days sufficient.

57 Geo. 3. c. 44. G. B.

Yeomen, &c. called out for suppression of riots, &c. billeted as regulars.

s. 2.

Half pay not forfeited, by inrolment in yeomanry corps.

s. 3.

No effective yeoman, &c.

P. 371. l. 28. The 56 Geo. 3. c. 39. G. B. provides that the number of days' attendance at muster or exercise of corps of yeomanry or volunteer cavalry, to entitle any person to be returned or certified as an effective member thereof, shall be six instead of twelve in each year; and the 44 Geo. 3. c. 54. G. B. shall be so construed as if this number "six" had been therein specified; and such number shall in like manner be divided into 2 days or three equal parts, in each 4 months, instead of 4 days as in said act provided, with such provisions as to making good any number of days at different periods, as are contained in said act in relation to the days of muster, &c. therein specified. And by s. 2. where any corps of yeomanry &c. shall attend at muster, &c. 5 days successively, such attendance shall entitle each individual to be returned as effective, as if he had attended the whole number of 6 days. And the 57 Geo. 3. c. 44. G. B. further amends the 44 Geo. 3. c. 54. by providing, that all persons inrolled in any corps of yeomanry or volunteer cavalry shall, whenever they shall be assembled and doing military duty for the suppression or prevention of riots or tumults, in aid of any justices of the peace or magistrates, be entitled to be quartered and billeted in like manner in every respect, as the officers, non-commissioned officers, drummers, and private men of his majesty's forces. By s. 2. no officer who is entitled to half pay shall forfeit it by reason of his being inrolled or serving or receiving pay as captain, lieutenant, or cornet in any corps of yeomanry, &c.; but every such officer, upon taking the oath hereby prescribed, shall be entitled to receive his half pay. By s. 3. no officer, non-commissioned officer, or effective member of any yeomanry

yeomanry corps, &c. shall, while effective, be compellable to serve the office of constable in the parish to which he belongs.

compellable to act as constable.

P. 373. l. 24. The 56 Geo. 3. c. 72. I. has continued the 43 Geo. 3. c. 121. I. so far as relates to any troops or corps of yeomanry in Ireland, until the end of the session of the year 1818, with a few amendments not sufficiently important to be noticed in this work.

Yeomanry of Ireland.

56 Geo. 3. c. 72. I.

P. 380. l. 26. The 57 Geo. 3. c. 35. U. K. is the last annual mutiny act, the following clauses of which it must suffice to state in this place. By s. 4. where any non-commissioned officer or soldier shall be convicted by a court martial of desertion, the court may adjudge the offender, if they shall not think the offence deserving of capital punishment, to be transported as a felon for life, or for a certain term of years, according to the nature of the offence, instead of awarding corporal punishment: And if such offender shall afterwards (without leave from his majesty, or from the governor or commanding officer of the place to which he shall have been transported,) return into or be found at large, without leave as aforesaid, or other lawful cause, within any part of the united kingdom, or in any of his majesty's possessions abroad, other than the place to which he shall have been transported, before the expiration of the term limited by such sentence, and shall be convicted thereof in due course of law, he shall be adjudged guilty of felony without benefit of clergy. And this act provides (s. 5.) that in all cases wherein a capital punishment shall have been awarded by a court martial, it shall be lawful for his majesty, instead of causing such sentence to be carried into execution, to order the offender to be transported as a felon for life, or for a certain term of years, as to his majesty shall seem meet; and any such offender returning, &c. without leave or other lawful cause as in s. 4. *supra*, before the expiration of the term, &c. shall be guilty of felony without benefit of clergy. And by s. 9. whenever his majesty shall intend any sentence of a court martial to be carried into execution, or shall extend his mercy, on condition of transportation, to any offender liable to the punishment of death by the sentence

Deserters may be sentenced to transportation, instead of corporal punishment.

57 Geo. 3. c. 35. s. 4. U. K.

Returning, &c. before expiration of term, a capital felony.

s. 5.

His majesty may order transportation, instead of capital punishment.

s. 9.

Sentence of transportation, &c. notified by commander in chief, &c. to any

*judge of K. B.
C. B. or Exch.
who shall make
an order there-
upon.*

of a court martial, such sentence together with his majesty's pleasure upon the same, shall be notified in writing [*by the commander in chief of his majesty's forces in Great Britain, or in his absence by the adjutant general, to any justice of the king's bench, common pleas, or baron of the exchequer of the degree of the coif;] and thereupon such justice or baron shall make an order for the transportation of such offender, upon the terms and for the time which shall be specified in such notification, and shall also make such other order, &c. as any such justice, &c. is authorized to make by any act of parliament in force at the time of making such orders in relation to the transportation of offenders; and such orders shall be obeyed by the person in whose custody such offender shall at that time be, and every sheriff, gaoler, keeper, governor, or superintendant, whom it may concern, and all constables and other persons shall be bound to obey such orders, be assistant in the execution thereof, and be liable to the same punishment for disobedience or interrupting the execution of the same, as if the same had been made under the authority of such act; and every person so ordered to be transported shall be subject to all the provisions made by law, and now in force concerning persons convicted of any crime and sentenced to be transported, or receiving his majesty's pardon on condition of transportation. And by s. 10. the justice, &c. who shall make any such order, under any such notification of his majesty's pleasure, shall direct the said notification, and his own order made thereupon, to be filed in the office of the clerk of the crown of the king's bench; and the said clerk shall receive a fee of 2s. 6d. for filing the same. And by s. 11. the said clerk of the crown shall, upon the application of any such offender, or of any other person on behalf of his majesty, deliver a certificate in writing under his hand, (not taking for the same more than 2s. 6d.) containing an account of the christian name and surname of such offender, of his offence, of the place where the court was held, before whom he was convicted, and of the terms and conditions on

s. 10.

Such notification to be filed with clerk of the crown.

s. 11.

His certificate evidence of conviction and sentence.

* This clause is not adapted to cases arising in Ireland.

on which his majesty's order for such offender's transportation was given; which certificate shall be sufficient proof of the conviction and sentence of such offender, and also of the terms on which such order for his transportation was given, in any court, and in any proceeding wherein it may be necessary to inquire into the same.

And by s. 13. if any offender under sentence of death by a court-martial, shall obtain his majesty's conditional pardon as aforesaid, all the laws now in force touching the escape of felons under sentence of death shall apply to such offender, and to all persons aiding, abetting, or assisting in any escape or intended escape of such offender, or contriving any such escape, from the time when such order shall be made by such justice or baron as aforesaid, and during all the proceedings for the purposes aforesaid.

By s. 25. all courts martial (where they inflict imprisonment as the punishment of minor offences) are authorized to order such imprisonment to be in any house of correction, gaol, or public prison, or other place. And this act provides (s. 23.) that no general court martial consisting of any less number than 13 commissioned officers,

(unless holden in any place beyond the seas, &c.) shall sentence any non-commissioned officer or soldier to loss of life or limb, or transportation. And by s. 28. no sentence of death shall be given against any offender by any general court martial, unless 9 officers present shall concur therein,

(except holden in any place beyond the seas, &c.); and in all cases where a court martial shall consist of more than 13 officers, and also in any place beyond the seas, &c. when the same shall consist of a lesser number of officers, then such judgment shall pass by the concurrence of two thirds at the least of the officers present; and this clause of the act prescribes the hours of trial for all offences, and gives to the courts of king's bench in London or Dublin, or court of sessions in Scotland, or courts of law in the West Indies, a jurisdiction to discharge witnesses if arrested while attending, or to attach them for not attending upon such courts martial. With respect to the quartering of soldiers, it is to be observed that this act, instead of referring to the laws in force in Ireland for

s. 13.

Laws respecting felons escaping, to extend to prisoners sentenced by courts martial.

s. 25.

Imprisonment for minor offences may be in any prison, &c.

s. 23.

Courts martial to consist of 13 officers, where sentence of death, &c. pronounced.

s. 28.

What number to concur in all sentences.

Billetting in Ireland.

this

s. 96.
Recruits
making false
representations
punishable as
swindlers.

this purpose at the time of the union, as was done by the 48 Geo. 3. c. 15. U. K. (see Digest, vol. I. P. 379.) incorporates their provisions.* It is also a provision of this act (s. 96.) that any person who shall knowingly, wilfully, and designedly make any false representation of any particular contained in the oaths respectively marked (A.) and (B.) and certificates marked (C.) and (D.) in the schedule to this act contained, before the justice of peace or magistrate at the time of his attestation, for the purpose of obtaining and shall obtain any enlisting money, or any bounty for entering into his majesty's service, or any other money, shall be deemed guilty of obtaining money under false pretences, within the meaning of the †30 Geo. 2. c. 24. Eng.; and the production of such certificate, and proof of the hand-writing of the justice of peace giving such certificate, shall be sufficient evidence of such party having represented the several particulars contained in the oath sworn by him, and specified in the certificate of the justice at the time of his being attested.

s. 97.
Persons guilty
of fraudulent
concealment, or
false representation,
punishable as
rogues and
vagabonds.

And by s. 97. it shall be lawful for any 2 justices of peace or magistrates, before whom any person shall be brought who was enlisted, and who shall be convicted upon oath before them of having wilfully concealed any such infirmity upon being attested, or of having knowingly, wilfully, and designedly, made any such false representation as aforesaid, to adjudge such person to be a rogue and vagabond; and such person shall thereupon be subject to such punishment as by any law now in force may be inflicted upon rogues, vagabonds, and vagrants, and incorrigible rogues, to be adjudged by such justices of peace or magistrates.

Jurisdiction of
magistrates
under this act.

This act contains several other clauses giving jurisdiction to magistrates for quartering or billeting soldiers, licensing canteens, providing carriages, saddle horses, &c. for soldiers on their march, and extending their furloughs, attesting and discharging recruits and apprentices, committing

* The 57 Geo. 3. c. 13. U. K. which respects the marine forces on shore refers generally to the laws in force in Ireland, at the time of its union with Great Britain, for the purpose of quartering these troops.

† It seems to be an oversight here, (and in s. 100, which relates to apprentices enlisting,) not to have referred also to the 26 Geo. 3. c. 37. Ir. which is the analogous statute in Ireland.

mitting deserters, and for determining suits for penalties against officers or soldiers destroying game, and against persons concealing deserters, or buying or receiving arms, clothes, &c. of soldiers or deserters, or oats, hay, or forage provided for his majesty's service. This act provides (s. 122.) that no person who is or shall be listed, or who shall list and enter himself as a volunteer in his majesty's service as a soldier, shall be liable to be taken out of his majesty's service by any process or execution, (other than for some criminal matter) unless for a real debt or other just cause of action; and unless, before the taking out of such process, &c. (not being for a criminal matter) the plaintiff, or some person on his behalf, shall make affidavit before a judge of the court of record, or other court out of which such process, &c. shall issue, or before some person authorized to take affidavits in such courts, that to his knowledge the original sum justly due and owing to the plaintiff from the defendant, or the original debt for which such execution shall be sued out, amounts to the value of £20. at least, above all costs of suit in the same action, or in any other action on which the same shall be grounded; a memorandum of which oath shall be marked on the back of such process, &c. (for which memorandum or oath no fee shall be taken): and if any person shall be arrested contrary to this act, it shall be lawful for any judge or judges of such court, upon complaint thereof made by the party himself, or by any his superior officer, to examine into the same by the oath of the parties or otherwise, and, by warrant under hand and seal, to discharge such soldier, without paying any fee, upon due proof made before him or them that such soldier was legally enlisted, and arrested contrary to the intent of this act; and also to award reasonable costs to the party complaining, for the recovery whereof he shall have the like remedy that the plaintiff in such action or execution might have had for his costs, in case judgment had been given for him with costs in such action. But by s. 123. it shall be lawful for any plaintiff, upon notice first given in writing of the cause of action to any person entered into his majesty's service, or left at his last place of residence before such listing, to file

s. 122.

Soldiers privileged from arrest except upon affidavit of the debt, &c. amounting to £20.

Memorandum of oath indorsed on process, or writ of execution.

Judges may discharge soldiers arrested contrary hereto.

s. 123.

Proceeding to judgment, &c. against soldier facilitated, but no execution

against body
thereon.

57 Geo. 3. c. 13.
U. K.

Marine forces
on shore.

Where pardon
is granted to
any person sen-
tenced to death
by naval
court mar-
tial, on condi-
tion of trans-
portation, &c.
such pardon al-
lowed by any
judge of K. B.
C. B. or Exc.
on notification
of it by secre-
tary of state.

56 Geo. 3. c. 5.
U. K.

file a common appearance in any action to be brought for any debt whatsoever, so as to entitle such plaintiff to proceed to judgment and outlawry, and to have execution hereupon, other than against the body of him so listed.

The 57 Geo. 3. c. 13. U. K. is the last act for the regulating of his majesty's royal marine forces on shore; and contains provisions, with respect to them, similar to those of the 57 Geo. 3. c. 35. *supra*.

P. 385. last line. The 56 Geo. 3. c. 5. U. K. recites, that certain provisions of the 24 Geo. 3. st. 2. c. 56. Eng. relating to the transportation of offenders convicted at sessions of oyer and terminer and gaol delivery, were extended by the 37 Geo. 3. c. 140. to the transportation and imprisonment of persons capitally convicted before courts martial, but to whom his majesty should grant a pardon on condition of transportation, or of imprisonment, or being kept to hard labour; and that by the 55 Geo. 3. c. 156. the 24 Geo. 3. st. 2. c. 56. was repealed; and that doubts had arisen whether the 55 Geo. 3. c. 156. had not in part repealed the 37 Geo. 3. c. 140: for removal whereof, and to enlarge and extend the provisions of the 37 Geo. 3. c. 140. this statute enacts, that whenever his majesty shall extend mercy to any offender liable to death by the sentence of a naval court martial, on condition of transportation, or imprisonment, or of being kept to hard labour, for life, or for any term of years, it shall be lawful, on a communication of the intention of his majesty from the lords commissioners of the admiralty, or any 3 or more of them, for one of the principal secretaries of state to notify to any justice of the king's bench or common pleas, or baron of the exchequer of the degree of the coif, such intention of mercy; whereupon such justice, &c. shall allow the benefit of such conditional pardon as shall be expressed in such notification, as if such conditional pardon had passed the great seal; and the said justice, &c. and all other persons are to do all acts for the carrying into effect the punishment mentioned in such pardon, as required by the said acts of the 37 Geo. 3. c. 140 and 55 Geo. 3. c. 156. or by any other act in force at the time of granting such pardon, for carrying into execution any sentence of transportation

portation or imprisonment, or to be kept to hard labour, passed at any court of *oyer and terminer*, &c. in the united kingdom; and every sheriff, gaoler, &c. and all constables and other persons, shall be bound to obey such orders and be assistant in the execution thereof, and be liable to the same punishment for neglect, disobedience or interruption of the same, as if the offender had been convicted by any court of *oyer and terminer*, &c. and such order made in pursuance of such conviction. And by s. 2.

it shall be lawful for his majesty to cause any offender who may be in prison or confinement after or under any sentence of a naval court martial, or after any such conditional pardon, to be removed from the place of confinement in which he may be, to such other proper prison, being a public gaol, prison, hulk, penitentiary-house, or house of correction, within the united kingdom, as to his majesty may seem expedient; and any one of the principal secretaries of state may issue a warrant or other instrument under his hand for such removal, and for carrying into execution such part of such sentence as may remain unsatisfied, or for which the pardon may not have been granted; and every sheriff, &c. shall obey the said warrant, &c. (as in sect. 1.) *By s. 4. if any person being in prison or confinement under any such sentence, or by virtue of any such warrant, &c. shall become insane, and shall be certified by 2 physicians or surgeons to be insane, it shall be lawful for one of the said secretaries of state to direct, by his warrant, &c. the removal of such person to such lunatic asylum, or other proper receptacle for insane persons, in the united kingdom, as he may judge proper, for the unexpired term of any such sentence, &c.; and if any such person should be in the same manner certified to be of sound mind, the said secretary of state may issue a similar warrant, &c. for his being removed to such prison or place of confinement as he may deem expedient.

s. 2.

Persons in confinement under sentence of court martial may be removed to any public gaol, &c. by warrant of secretary of state.

s. 4.

Such prisoners, if insane, may be removed to any lunatic asylum, &c. during term of sentence.

T

P. 369.

* This act (s. 3.) provides for applying the pay of such offenders to their subsistence in prison.

Of Master and Servant.

*Statutes in
England and
Scotland em-
powering magis-
trates to fix wa-
ges repealed.*

53 Geo. 3. c. 40.
G. B.

*All former or-
ders annulled.*

54 Geo. 3. c. 116.
I.

*Several acts in
Ireland relating
to wages of ser-
vants, &c. re-
pealed.*

s. 2.

*This act when
to commence.*

s. 3.

*One justice, &c.
empowered to
hear complaints
of servants, &c.
for non-pay-
ment of wages.*

P. 389. l. 33. The 53 Geo. 3. c. 40. G. B. recites the 5 Eliz. c. 4. Eng. and 1 Jac. 1. c. 6. Eng. as also an act passed in Scotland in the 22d parliament of king James the first in England, and the sixth of Scotland; and another act passed in Scotland in the first parliament of king Charles the second; and enacts, that so much of the said recited acts, or of any other act of parliament in force in Scotland, as authorizes any justices of peace, or magistrates of cities and burghs, to rate wages, or fix prices of work for artificers, labourers, and craftsmen, shall be repealed; and all orders heretofore made by any justices, &c. in England or Scotland, under the authority of any of the said recited acts, for or in relation to the rating any wages, or settling or fixing any prices of work to be done by any artificers, labourers, or craftsmen, or servants, are hereby declared to be void. And the 54 Geo. 3. c. 116. I. recites the 2 Geo. 1. c. 17. Ir. 3 Geo. 2. c. 14. Ir. 25 Geo. 2. c. 8. Ir. 29 Geo. 2. c. 8. Ir. and 5 Geo. 3. c. 15. Ir. and enacts, that from one month after the passing of this act (23d. July, 1814,) so much of the said acts as relates to the payment of wages due to servants, artificers, and labourers, shall be repealed, save so far as relates to any proceedings that may have been commenced under the said acts, or any of them, before the period aforesaid: And by s. 2. the provisions herein-after contained shall take effect from the time of the repeal of said former acts. By s. 3. for the more easy recovery of wages which shall remain due after the commencement of this act, or which shall become due to any labourer, artificer, or servant in Ireland, whose demand shall not exceed £6. it shall be lawful for any justice of peace, of the county in Ireland where the person or persons, or any of them, alleged to owe the same shall reside, and for every chief magistrate of any city or town corporate in Ireland, within

within his jurisdiction, and they are hereby required, upon the complaint of any such labourer, &c. that he or she hath been refused payment of or cannot receive his or her wages, to issue his summons in writing to such person, &c. (not being a peer or peeress,) to appear before him; in which summons the sum demanded, and also the place and time for such person's appearance, shall be expressed; and upon such person appearing, or in case of neglect or refusal to appear, according to such summons, then upon proof on oath that said summons was delivered to the said person or persons, or any of them, or to his, her, or their son, daughter, or menial servant, of the age of 16 years or upwards, at such person's usual place of abode, such justice, &c. may proceed to the hearing, &c. of said demand, as well by examining the witness or witnesses upon oath, as by all other legal ways, and if necessary, by examination of the party complaining or complained against, on their respective oaths, and adjudge whether any thing, and how much, shall be paid to such servant, &c.; and if such person or persons shall not pay the sum which such justice, &c. shall so adjudge to be due, either immediately, or within such time as said justice, &c. shall direct, not exceeding 10 days, then such justice, &c. shall, at the instance of such servant, &c. by warrant directed to any constable of such county, &c. levy so much as shall be so adjudged, by distress, &c.: provided that if reasonable excuse on oath, for the non-attendance of any person so summoned, shall be made to the satisfaction of such justice, &c. then it shall be lawful for such justice, &c. to postpone the hearing of such complaint to such further time, and to such place, as he shall think proper, and to issue a new summons accordingly. By s. 4. all persons not being artificers or servants, who shall be employed to do any species of work or labour for hire, shall be deemed to be labourers within the meaning of this act. And by s. 5. whenever it shall appear to such justice, &c. that such servant, &c. has been or is likely to be detained from his or her home or usual place of residence, by the non-payment of any wages so adjudged, then it shall be lawful for such justice, &c. to order that there be paid

*Master to pay
sum adjudged
within 10 days.*

*Justice may
postpone hear-
ing.*

s. 4.

*Term "labour-
er" defined.*

*Justice may
award compen-
sation for loss of
time in recover-
ing wages.*

s. 6.

*Appeal to quar-
ter sessions.*

*The clause of
5 Eliz. c. 4. s. 31.
Eng. which pro-
hibits persons to
exercise trades,
who have not
served as ap-
prentices, re-
pealed.*

54 Geo 3. c. 96.
E. & W.

*Other parts of
the act respect-
ing the quali-
fication and
binding of
apprentices, &c.
repealed.*

paid to such servant, &c. not only the sum so due for wages, but also such further sum for the time during which such servant, &c. shall have been there so detained, as such justice, &c. shall think reasonable, having regard to the length of such detention, the diligence or remissness of either party, the usual wages of such servant, &c. and the wages which, within the time of such detention, such servant, &c. did earn, or under all the circumstances of the case might have earned; and also a reasonable sum by the day, to be estimated in like manner, until such wages shall be recovered as aforesaid, or otherwise paid; so as such additional sum do not exceed £2. Provided (s. 6.) that either party may appeal to the next quarter sessions for the county, &c. where such order shall be made; which quarter sessions shall finally determine the same, and have power to award such costs, and also such compensation for such detention aforesaid, as may have taken place subsequent to the order so appealed from, as such court shall adjudge reasonable, not exceeding £10. the same to be levied by distress, &c.

P. 394. l. 1. So much of the 5 Eliz. c. 4. Eng. as enacts, "that it shall not be lawful to any person, to set up, occupy, use, or exercise any craft, mystery, or occupation then used within England or Wales, except he shall have been brought up therein 7 years at least, as an apprentice; nor to set any person on work in such mystery, &c. except he shall have been apprentice as aforesaid, or else having served as an apprentice as aforesaid, shall become a journeyman or hired by the year, upon pain of forfeiting 40s. for every month," is repealed by the 54 Geo. 3. c. 96. E. & W. And this statute also repeals so much of the 5 Eliz. c. 4. as prescribes divers rules and regulations respecting the qualifications of persons entitled to take and become apprentices, and the terms of years for which such apprentices should be bound, and to the mode of binding such apprentices, and as declares all indentures, covenants, promises, and bargains, of and for the having, taking, and keeping of any apprentice otherwise than is ordained by said statute to be void; and enacts that it shall be lawful for any person to take

take or retain, or become an apprentice, though not according to the provisions of the 5 Eliz. c. 4; and that indentures, deeds, and agreements in writing, entered into for that purpose, which would be otherwise valid, shall be effectual in law, notwithstanding the repeal of the 5 Eliz. c. 4. And by s. 3. any justice of peace may hear any complaints that may arise respecting any apprenticeships, in like manner as if they had been made under the 5 Eliz. c. 4. Provided (s. 4.) that this act shall not alter or prejudice the custom and order of the city of London concerning apprentices, or the ancient usages and franchises of said city, or of any other city, town, corporation, or company lawfully constituted, or the citizens and freemen thereof; or any bye law or regulation of any corporation or company lawfully constituted.

s. 3.

Justices may determine complaints as heretofore.

s. 4.

Saving for customs of London and other cities, &c.

P. 395. l. 25. The 56 Geo. 3. c. 139. E. recites that many grievances have arisen from the binding of poor children as apprentices by parish officers to improper persons, and to persons residing at a distance from the parishes to which such poor children belong, whereby the said parish officers, and the parents of such children, are deprived of the opportunity of knowing the manner in which such children are treated, and the parents and children have, in many instances, become estranged from each other; and also from the permission given to apprentices, by the persons to whom they have been bound, to serve others without a formal assignment; and therefore enacts, that after 1st October, 1816, before any child shall be bound apprentice by the overseers of the poor of any parish, township, or place, such child be carried before 2 justices of peace of the county, &c. wherein such parish, &c. shall be situate, who shall inquire into the propriety of binding such child to the person proposed; and particularly whether such person reside, or have his place of business within a reasonable distance from the place to which such child shall belong, having regard to the means of communication between such places, or whether any circumstances shall make it fit, in the judgment of such justices, that such child should be placed apprentice at a greater distance; and if the father

Proceeding of justices previous to signing allowance of parish apprentices.

56 Geo. 3. c. 139. E.

father or mother of such child shall be living, and shall reside in or near the place to which such child shall belong, such justices shall, if they see fit, examine such father or mother, or either of them, and shall particularly inquire as to the distance of the residence or place of business of the person with whom it shall be proposed to place such child, and the means of communication therewith; and shall also inquire into the circumstances and character of such person; and if such justices shall, upon such examination, &c. think it proper that such child should be bound to such person, they shall make an order that the overseers shall be at liberty to bind such child apprentice accordingly; which order shall be delivered to the overseers as their warrant, &c. and shall be referred to by the date thereof, and the names of the justices, in the indenture; and after such order shall have been made, the justices shall sign their allowance of such indenture, before the same shall be executed by any of the parties thereto: Provided that no such child shall be bound to any person residing or having any establishment in trade, (at which it is intended such child should be employed) out of the same county, at a greater distance than 40 miles from the parish or place to which such child shall belong, unless such child shall belong to some parish, &c. more than 40 miles from London, in which case the justices shall make a special order, specifying the grounds thereof. By s. 2. in all cases where the residence or establishment of business of the person to whom any child shall be bound, shall be within a different county or jurisdiction, from that within which the place, by the officers whereof such child shall be bound, shall be situated, and in all other cases where the justices who shall so sign the allowance of the indenture shall not have jurisdiction, every such indenture shall be also allowed by 2 justices for the county or district within which the place shall be situated wherein such child shall be intended to serve: Provided, that no indenture shall be allowed by any justice, &c. for the county into which such child shall be bound, who shall be engaged in the same business, employment, or manufacture, in which the person to whom such child shall be bound

No child to be bound to any person residing, &c. out of the county, more than 40 miles from the parish, &c. to which child belongs. London excepted.

*s. 2.
Indenture to be allowed by 2 justices of county into which apprentice is bound, as well as by 2 justices of the county from which he is bound.*

Justice allowing indenture not to be of the same trade.

bound is engaged; and notice shall be given to the over-
seers of the poor of the parish, &c. in which such child
shall be intended to serve an apprenticeship, before any
justice for the county, &c. in which such parish shall be
shall allow such indenture; and such notice shall be
proved before such justice shall sign such indenture, unless
one of such overseers shall attend such justice, and admit
such notice: Provided (s. 3.) that the allowance of 2
justices for the county within which the place where such
child shall be intended to serve, &c. shall be situated, shall
be valid, although situated in a town or liberty in which
other justices may, in other respects, have an exclusive
jurisdiction. And whereas there are several cities and
boroughs which are counties of themselves, and several
districts situated without the limits of the county to which
such districts belong; this statute therefore provides (s. 4.)
that the distance to which parish apprentices may be
bound, shall not be limited to such cities, &c. being coun-
ties, but shall extend to the county in which such city, &c.
and such district though belonging to another county,
shall be locally situated. By s. 5. no settlement shall be
gained by any child who shall be bound by the officers of
any parish, &c. by reason of such apprenticeship, unless
such order shall be made, and such allowances of the
indenture signed, as herein-before directed. And by s. 6.
any overseer who shall bind any apprentice without ob-
taining such order and allowances, &c. or any person who
shall receive such apprentice so bound without such order
and allowances, shall respectively forfeit £10, for each
apprentice so bound. By s. 7. from the 1st. October, 1816,
it shall not be lawful for any parish officers to bind out
any child as a parish apprentice, under the age of 9 years.
By s. 8. if any person to whom any child shall be bound
apprentice by the overseers, &c. shall, after the said 1st.
of October, remove his or her residence or establishment
of business out of the same county, or 40 miles from the
parish, &c. wherein the same was when such child was
bound apprentice, such person shall, at least 14 days pre-
vious to such removal, give a written notice thereof to the
churchwardens or overseers of the poor of the place
where

*Notice to
overseers.*

s. 3.

*Allowance by
county justices
valid in towns,
&c.*

s. 4.

*Distance to
which appren-
tices may be
bound, not
limited to cities
which are coun-
ties of them-
selves.*

s. 5.

*No settlement
gained unless
directions com-
plied with.*

s. 6.

*Penalty on
overseers acting
contrary hereto.*

s. 7.

*Children not to
be bound under
9 years of age.*

s. 8.

*In case of mas-
ter's change of
residence, &c.
how apprentices
shall be disposed
of.*

where such apprentice shall reside, unless such person shall reside in such place under certificate, and in that case such person shall give the like notice to the churchwardens or overseers of the poor of the place where such apprentice shall be then legally settled; and which churchwardens and overseers, and also the master or mistress, &c. shall cause such apprentice to appear before 2 justices of peace for the county or district within which such apprentice shall be then serving, who shall inquire whether it be proper that such apprentice should continue in the service of such person, or be discharged therefrom, or bound or assigned over to any other person, and shall thereupon make order, either for the continuance or discharge of such apprentice, or for the binding or assigning of such apprentice to any other person, and, if they shall see fit, shall also require the person so giving notice of removal, to pay the amount of the premium received with such apprentice, or such portion of it as to them shall seem meet, for the expense of assigning or binding such apprentice to any other person, to be approved by said justices; and the person to whom such apprentice shall be so bound or assigned, shall be subject to the same rules as the person to whom such apprentice shall be originally bound; and in case any such master, &c. shall remove as aforesaid, and shall take any such apprentice to any other place, without such order as aforesaid, or shall wilfully abandon and leave any such apprentice, without giving such notice as aforesaid, every person so offending, shall forfeit £10. for every such apprentice, to the churchwardens and overseers of the poor of the parish, &c. wherein, at the time of such removal, &c. the apprentice shall have been legally settled, for the use of the poor of the same; provided an information be exhibited within 3 calendar months after such offence. By s. 9. after said 1st Oct. it shall not be lawful for any master or mistress to put away or transfer any parish apprentice to any other, or to discharge or dismiss from his or her service any parish apprentice, without such consent of justices as is directed in the 32 Geo. 3. c. 57. Eng.; and no settlement shall be gained by any service of such apprentice, after such putting away or transfer

Penalty for abandoning or removing apprentice without notice to churchwardens, &c.

s. 9. Consent of justices necessary for assigning or discharging apprentices.

fer, unless such service shall have been performed under the sanction of such consent as aforesaid. And by s. 10. Penalty for discharging, &c. apprentice without such consent. any person who after 1st. October, 1816, shall put away or transfer any parish apprentice to another, or who shall in any way discharge or dismiss from his or her service any parish apprentice, without such consent as aforesaid, shall forfeit £10. for every apprentice so transferred. By s. 11. Indentures not valid unless approved by 2 justices. after 1st. October, 1816, no indenture of apprenticeship by reason of which, any expense shall be incurred by the public parochial funds, shall be valid, unless approved of by 2 justices under their hands and seals, according to the provisions of the 43 Eliz. c. 2. Eng. and of this act. By s. 12. Penalties how recovered. all penalties hereby imposed shall be recovered by information before any 2 justices of peace of the county or district where such offence shall be committed: And by s. 13. Penalties how disposed of. it shall be lawful for such justices to direct such penalty after deducting the necessary costs and charges attending any information, and proceedings thereon, to be paid and applied, either to the person giving information, &c. or to the overseer of the poor of the parish or township in which such offence shall have been committed, or by the officers whereof such apprentice shall have been bound, for the use of the poor of such parish, &c. or in the binding of such apprentice to any other person, or to be applied for any one or more of such purposes, as to such justices shall seem meet. By s. 14. Mode of enforcing penalties. the penalties hereby imposed shall be levied by distress, &c. by warrant of the justices before whom such offender shall have been convicted, or of any other 2 justices of peace of the same county or district; and for want of such distress such offender shall be committed to the common gaol or house of correction for any period not less than one, nor more than six months, to be appointed by the justices before whom such offender shall be convicted. By s. 15. Form of conviction prescribed. a form of conviction is prescribed. And by s. 16. Penalty may be enforced by imprisonment of party. in case the penalty shall not be paid within a calendar month after such conviction, it shall be lawful for the justices making such conviction, or for any other 2 justices of the county or district, to issue their warrant for apprehending and imprisoning of such offender, notwithstanding

s. 17.
*Appeal to quar-
ter sessions.*

* Misprinted
"or."

withstanding such offender may have goods or chattels whereby such penalty might have been levied. But by s. 17. any person who shall be dissatisfied with any act done by any justice in execution of this act, may appeal within 3 calendar months against the same, to any court [*of] general or quarter sessions to be holden for the county within which such act shall have been done, upon giving notice in writing to such justice, and also to the person interested in such appeal, within 21 days next after the act so appealed against shall have taken place; and in case such appeal shall be against any conviction, entering into a recognizance, with 2 sureties, before any justice of peace of the county or district within which such conviction shall have taken place, to appear at such general or quarter sessions, to abide the judgment of the court upon such appeal, and to pay the costs which may be awarded thereon; and it shall be lawful for the justices at such sessions to determine such appeal, and to award costs therein, as they shall think fit; and all such appeals shall be to the sessions of the county within which the act appealed against shall have taken place, and not to any district or liberty within the same. By s. 18. the provisions and penalties herein contained respecting overseers of the poor, shall extend to all churchwardens having the authority of overseers of the poor; and all the provisions contained respecting any parish or place, shall extend to any incorporated or other district for the maintenance of the poor; and the officers of any such district having power to bind apprentices, shall be subject to all the rules and penalties herein mentioned and contained respecting overseers of the poor.

s. 18.
*Act to extend
to churchwar-
dens having
power of over-
seers, and to
incorporated
districts, &c.*

Of Corporations.

*No persons
elected bur-
gesses or other
officers in towns
corporate or
boroughs, (not
being cities,)*

P. 424. l. 31. The 21 Geo. 2. c. 10. s. 8. Ir.* should have been here referred to, which recites, that many of the towns corporate and boroughs, not being cities, which send members to parliament, have been hitherto obliged for

* The other clauses of this act are repealed by the 35 Geo. 3. c. 29. Ir.

for want of protestant inhabitants resident within the precincts thereof, to elect into the offices of burgesses, and other offices in such corporations, persons who did not inhabit, or could not be resident, &c.; and that it hath been questioned, whether persons who were not inhabitants within the corporations could, within the letter of their respective charters, or some of them, be elected into, or act as burgesses or other officers within such towns corporate, &c.; and that it still continues impracticable in most of said towns corporate, &c. to find protestant inhabitants, who, on account of their circumstances, are fit to be trusted in such offices; and therefore enacts, that no person who hath been or shall be in all other respects duly elected and admitted into any of said offices or franchises in any town corporate, &c. not being a city, shall be ousted of any such office, &c. or be any ways sued or molested by reason of his not being an inhabitant of, or resident within such town corporate, &c. at the time of his election; but every such person may hold, exercise, and enjoy such office or franchise, as fully and effectually to all intents and purposes, as if such persons were inhabitants, &c. at the time of their election.

shall be ousted, &c. for not being inhabitants or resident at the time.

21 Geo. 2. c. 10. s. 8. Ir.

Of Incorporeal Hereditaments.

P. 442. l. 24. The 53 Geo. 3. c. 54. I. recites the 49 Geo. 3. c. 126. U. K. intitled, "an act for the further prevention of the sale and brokerage of offices." (see Addenda I. P. 36.) and extends the exception therein contained, (by s. 7.) in respect to his majesty's yeomen guard, to any purchases, sales, or exchanges of any commissions or appointments in his majesty's battle-axe guards in Ireland. And the 53 Geo. 3. c. 129. I. further excepted any purchases, sales, or exchanges of the office of a six clerk of the court of chancery in Ireland. But this latter statute is amended by the 55 Geo. 3. c. 114. I. which recites, that the six clerks in the court of chancery

Sales, &c. of commissions, &c. in battle-axe guards lawful.

53 Geo. 3. c. 54. I.

53 Geo. 3. c. 129. I.

55 Geo. 3. c. 114. s. 3. I.

in

Sales, &c. of the office of six clerk in chancery, also excepted out of the act for preventing sale, &c. of offices.

Subject to approbation of the master of the rolls.

A clear fifth part of the consideration money, or £1200. if consideration not pecuniary, to be lodged in bank for master of the rolls.

s. 4.

If master of the rolls refuses, &c. to approve of successor, six clerk may apply to him by petition in open court, and appeal to chancellor from his order thereupon.

in Ireland have been accustomed at all times to sell their offices; and that it hath been customary that one fifth part of the consideration of such sale should be paid to the use of the master of the rolls, or keepers or guardians of the rolls, and that it is expedient to make new provision for the appropriation of such one fifth part of such purchase money; and that if the master of the rolls were to refuse appointing the person who shall agree for the purchase of such office, without assigning any cause, the six clerks might be prevented from obtaining the benefit of the 53 Geo. 3. c. 129. *supra*; and therefore enacts, that it shall be lawful for the six clerks of the court of chancery in Ireland, from time to time respectively, to sell, transfer, and dispose of their offices in said court to such persons as shall be qualified to execute the duties of such office, every such person being approved of by the master of the rolls for the time being; and every such person shall pay into the bank of Ireland, to the credit of the teller of the exchequer, one clear fifth part of the entire consideration or purchase agreed to be paid or received on such sale, &c.; or in case the consideration, &c. shall not be pecuniary, every such person shall pay £1200.; and the teller of said exchequer, upon production of a certificate or accountable receipt of the cashier of said bank, shall give a receipt for any such sum, according to the directions contained in the 54 Geo. 3. c. 83. I. intitled, “an act for the more effectual regulation of the receipts and issues of his majesty’s treasury, &c.” And by s. 4. in case the master of the rolls shall refuse, or unnecessarily delay to approve of any person to whom any six clerk hath agreed or shall agree to sell his said office, for want of qualification or other cause, then such six clerk may present a petition in a summary way to the master of the rolls, verified by affidavit, for the purpose of obtaining such approbation; which petition such master of the rolls shall hear moved in open court with all reasonable dispatch, and thereupon make such order, pursuant to the provisions of this act, as shall appear fit; from which order such petitioner may appeal to the lord chancellor; and in case an order shall be made on such appeal

appeal approving of such person, the master of the rolls shall, without further delay, appoint the person so approved of to be a six clerk in the room of the person so selling or resigning: provided that a sufficient acquittance shall be produced to the master of the rolls for the time being, for the payment of the money hereby required to be paid into the bank of Ireland as aforesaid, before any person shall be permitted to enter upon or exercise any such office. But by s. 5. nothing herein shall extend to vacancies by death in any such office, or to prejudice the right of the master of the rolls, in such cases, to appoint and fill up such vacancies by death without any pecuniary consideration for so doing. And it is provided (s. 6.) that before any six clerk shall be actually appointed in consequence of any sale or transfer under this act, a deed indented shall be duly executed between the parties to such contract, containing fully and truly all the terms of such contract; and the truth thereof shall be verified by the affidavit of the respective parties thereto, to be sworn before one of the masters of the said court, and to be filed in said court; and such deed shall be inrolled in said court, upon producing the attested copies of such affidavits.

s. 5.

Proviso as to vacancies by death.

s. 6.

All contract for such sales &c. to be by deed indented and verified by affidavit of parties.

Of Title by Escheat.

P. 489. l. 37. The 52 Geo. 3. c. 146. E. recites, that the amending the manner and form of keeping and preserving registers of baptisms, marriages, and burials of his majesty's subjects in the several parishes and places in England, will greatly facilitate the proof of pedigrees of persons claiming to be entitled to real or personal estates, and be otherwise of great public benefit; and therefore enacts, that registers of public and private baptisms, marriages, and burials, solemnized according to the rites of the united church of England and Ireland, within all parishes and chapelries in England, whether subject to the ordinary

Registers of baptisms, marriages, and burials, to be kept by officiating ministers of parishes, &c. 52 Geo. 3. c. 146. E.

Books of parchment to be provided by king's printer for the purpose.

Entries to be kept distinct, and in numerical progression.

s. 2.

King's printer to provide and transmit copies of this act, and books containing forms of registry, to ministers of parishes, &c.

s. 3.

ordinary, or peculiar, or other jurisdiction, shall be made and kept by the rector, vicar, curate, or officiating minister of every parish (or of any chapelry where the ceremonies of baptism, &c. have been usually and may according to law be performed) for the time being, in books of parchment, or of good and durable paper, to be provided by the king's printer, at the expense of the respective parishes or chapelries; whereon shall be printed, upon each side of every leaf, the heads of information herein required to be entered in the registers of baptisms, &c. respectively, and every such entry shall be numbered progressively from the beginning to the end of each book, the first entry to be distinguished by number one; and every such entry shall be divided from the entry next following by a printed line, according to the forms contained in the schedule hereto annexed; and every page of such book shall be numbered with progressive numbers, the first page being marked with the number I. in the middle of the upper part of such page, and every subsequent page being marked in like manner with progressive numbers. And by s. 2. a printed copy of this act, together with three books so prepared as aforesaid, and adapted respectively to the forms of the register of baptisms, marriages, and burials prescribed in the schedules (A. B. and C.) to this act annexed, is required, as soon as convenient, to be provided and transmitted by the king's printer to the officiating ministers of the several parishes and chapelries in England; and such books shall be proportioned to the population of the several parishes, &c. according to the last returns of such population made under the authority of parliament; and other books of like form and quality shall, for the like purposes, be furnished from time to time by the churchwardens or chapelwardens of every parish or chapelry, at the expense of such parish, &c. whenever they shall be required by the rector, vicar, curate, or officiating minister to provide the same; and all such books shall be of paper, unless required to be of parchment by such churchwardens, &c. And by s. 3. such registers shall be kept in such separate books, and every such rector, &c. shall as soon as possible

ble after the solemnization of every baptism, whether private or public, or burial respectively, enter in a fair and legible hand-writing, in the proper register book to be provided, &c. as aforesaid, the several particulars described in the schedules herein-before mentioned, and sign the same; and in no case, unless prevented by sickness or other unavoidable impediment, later than within 7 days after the ceremony of such baptism or burial shall have taken place, By s. 4. whenever the ceremony of baptism or burial shall be performed in any other place than the parish church or church-yard of any parish, (or the chapel or chapel-yard of any chapelry, providing its own distinct registers) by any minister not being the rector, vicar, minister, or curate of such parish or chapelry, such minister shall, on the same or the next day, transmit to the minister of such parish, &c. or his curate, a certificate of such baptism or burial in the form contained in the schedule (D) to this act annexed; and such minister or curate shall thereupon enter such baptism, &c. according to such certificate in the book kept pursuant to this act for such purpose, and shall add to such entry the following words "According to the certificate of the reverend

Baptisms, &c. to be registered in the proper books within 7 days after ceremony.

s. 4.

Where ceremony of baptism or burial performed by other person than the rector, &c. of the parish, how to be registered.

transmitted to me on the day of

" By s. 5. the books wherein

s. 5.

such entries shall be made, and all register books heretofore

All register books to be securely kept by rector, &c.:

in use, shall be deemed to belong to every such parish or

chapelry, and shall be kept by and remain in the custody

of the rector, vicar, curate, or other officiating minister of

each parish, &c. and shall be by him safely kept in a dry

well painted iron chest, to be provided and repaired at

the expense of the parish, &c. and which chest shall be

constantly kept locked in some dry and secure place

within the usual residence of such rector, &c. (if resident

within such parish, &c.) or in the parish church or chapel;

and said books shall not be removed except for the pur-

and removed only for the purpose of making entries, &c.

pose of making such entries, or for the inspection of per-

sons desirous to make search therein, or to obtain copies

of the same, or to be produced as evidence in some court

of law or equity, or to be inspected as to the state thereof, or

for some of the purposes of this act; and immediately

after

after making such entries, or so producing said books, they shall be again securely deposited in said chest. By

s. 6. at the expiration of 2 months after the 31st December in every year, fair copies of all the entries of the several baptisms, marriages, and burials, which shall have taken place within the year preceding, shall be made by the rector, &c. or other resident or officiating minister, (or by the churchwardens, chapelwardens, clerk or other person duly appointed for the purpose, under the direction of such rector, &c.) on parchment, in the same form as prescribed in the schedules hereunto annexed, (to be provided by the respective parishes); and the contents of such copies shall be verified and signed in the form following, by the rector, &c. of the parish or chapelry to which such register book shall appertain: “ I *A. B.* rector (*or as the case may be*) of the parish of *C.* (*or of the chapelry of D.*) in the county of *E.* do hereby solemnly declare, that the several writings hereunto annexed, purporting to be copies of the several entries contained in the several register books of baptisms, marriages, and burials, of the parish or chapelry aforesaid, from the day of to the day of , are true copies of all the several entries in the said several register books respectively, from the said day of to the said day of ; and that no other entry, during such period, is contained in any of such books respectively, [* are] truly made according to the best of my knowledge and belief. Signed *A. B.*” which declaration shall be fairly written, without any stamp, on the said copy, immediately after the last entry therein; and the signature to such declaration shall be attested by the churchwardens or chapelwardens, or one of them, of the parish or chapelry to which such register books shall belong. And by s. 7. copies of said books, verified and attested as aforesaid, shall, whether such parish, &c. shall be subject to the ordinary, peculiar, or other jurisdiction, be transmitted by such churchwardens, &c. after they, or one of them, shall have signed the same, by the post, to the registrars of each diocese in England within which the church or chapel

s. 6.

Fair copies of all entries of baptisms, &c. to be made every year, and signed and verified by rector, &c.

Form of verification.

Attestation of churchwardens, &c.

s. 7.

Such copies to be transmitted by churchwardens, &c. to registrars of dioceses,

* It seems that the words “ and that all entries,” or some words to this effect, are here omitted.

chapel shall be situated, on or before the 1st. June in every year. And by s. 8. the registrar of every diocese, shall, on or before the 1st. July in every year, make a report to the bishop of such diocese, whether the copies of the registers of the baptisms, marriages, and burials, in the several parishes, &c. within such diocese, have been sent to such registrar in the manner and within the time herein required; and in the event of any failure of the transmission of the copies of the registers, by the churchwardens, &c. the registrar shall state the default of the parish, &c. specially in his report to the bishop. By s. 9. in case the rector, &c. of any parish, &c. shall neglect or refuse to verify and sign such copies of such register books, and such declaration as aforesaid, so that the churchwardens or chapelwardens shall not be able to transmit the same, as required by this act, such churchwardens, &c. shall, within the time required by this act for the transmission thereof, certify such default to the registrar of the diocese, who shall specially state the same in his report to the bishop. By s. 10. in all cases of the baptism of any child, or the burial of any person, in any extra-parochial place in England, according to the rites of the established church, where there is no church or chapel, it shall be lawful for the officiating minister, within one month after such baptism, &c. to deliver to the rector, vicar, or curate of such parish immediately adjoining to the place in which such baptism, &c. shall take place, as the ordinary shall direct, a memorandum of such baptism, signed by such parent of the child baptized, or of such burial, signed by the person employed about the same, together with two of the persons attending the same, as the case may require; and every such memorandum shall contain all such particulars as herein-before required; and every such memorandum delivered to the rector, &c. shall be entered in the register of his parish, and form a part thereof. By s. 11. the superscription upon all letters and packets containing the copies of such parish or other registers, shall be indorsed and signed by the churchwardens, &c. of every respective parish, &c. in the form contained in

s. 8.

Registrars to report every year to bishops any default in respect to such transmission.

s. 9.

Churchwardens, &c. to certify to registrar of dioceses, the defaults of rectors, &c.

s. 10.

Where baptism or burial in extra-parochial place, officiating minister to deliver to rector, &c. a memorandum, in what form.

s. 11.

Packets containing copies of registers, indorsed, &c. by churchwardens,

&c. to be forwarded free of postage.

s. 12.

Registrars to preserve and arrange copies of register books.

the schedule (E.); and all such letters, &c. shall be conveyed by means of his majesty's post office, and delivered at the offices of said registrars, free of postage or other charge. By s. 12. the registrars shall cause the copies of said register books, and the said lists of births, baptisms, marriages, or burials, to be securely deposited, and preserved from damage by fire, &c. and to be carefully arranged; and also cause correct alphabetical lists to be made and kept in books suitable to the purpose, of the names of all persons and places mentioned in such books and lists; which alphabetical lists and books, and also the copies of registers and lists so transmitted to said registrars, shall be open to public search, at all reasonable times, on payment of the usual fees.* By s. 14. if any

s. 14.

Punishment for false entry in register books or copies, or forging or defacing the same, or signing, &c. a false copy.

person shall knowingly and wilfully insert, or cause or permit to be inserted in any such register book of baptisms, burials, or marriages, or in any copy of any such register, or in such lists or declarations so directed to be transmitted to the registrars, any false entry relating to any baptisms, &c. or shall falsely make, alter, forge, or counterfeit, or cause or procure, or wilfully permit to be falsely made, &c. any part of any such register, &c. or of any such copy of such register; or shall wilfully destroy, deface, or injure, or cause or procure, or permit to be destroyed, &c. any such register book, or any part thereof; or shall knowingly and wilfully sign or certify any copy of any such register book, or any part thereof;

OR

* By s. 13. the bishop and chancellor of each diocess, together with the *custodes rotulorum* of the several counties in each diocess, were required to make a report to the privy council before the 1st February, 1813, respecting proper places for preservation of copies of register books, and original wills, (so as to have one proper place in each diocess) and respecting remuneration of the officers employed in each registry. And by s. 19. the rector, &c. or other officiating ministers of every parish or chapelry in England were required to transmit to the registrar of the diocess, before 1st. June, 1813, a list of all registers then in such parish, &c. stating the periods at which they respectively commence and terminate, the periods (if any) for which they are deficient, and the places where they are deposited.

or shall knowingly and wilfully sign or certify any copy of any such register hereby required to be transmitted, which shall be false in any part, knowing the same to be false; such offender shall be guilty of felony, and be transported for 14 years. Provided (s. 15.) that no rec-

s. 15.

tor, &c. who shall discover any error in the form or substance of the entry in the register book of any such baptism, &c. by him solemnized, shall be liable to any of the penalties herein mentioned, if he shall, within a

Proviso as to rectors, &c. correcting errors within one month after discovering them.

calendar month after the discovery of such error, in the presence of the parents of the child whose baptism may

Errors how corrected.

have been entered in such register, or of the parties married, or in the presence of 2 persons who shall have

attended at any burial, or in case of the death or absence of the respective parties aforesaid, then in the presence of

the churchwardens or chapelwardens, (who shall respectively attest the same,) correct such erroneous entry,

Corrections how to be certified.

according to the truth of the case, by entry in the margin of the book wherein such erroneous entry shall have been

made, without any alteration or obliteration of the original entry, and shall sign such entry in the margin, and

add to such signature the day of the month and year when such correction shall be made: provided that in the

fair copy of the registers which shall be transmitted to the registrars of the diocess, the said rector, &c. shall certify

the alterations so made by him. And it is provided (s. 16.)

s. 16.

that this act shall not diminish or encrease the fees heretofore payable to any minister for the performance of any

Former fees established.

of the before-mentioned duties, or to any minister or registrar for giving copies of such registrations. And by

s. 17. no duplicate or copy of any register of baptism, &c. made under the directions of this act, shall be chargeable

s. 17.

Copies, &c. of registers not subject to stamp duty.

with any stamp duty. By s. 18. one half of all fines or penalties to be levied in pursuance of this act * shall go

s. 18.

to the person who shall inform or sue for the same, and the remainder of such fines as shall be imposed on any

Penalties how disposed of.

churchwarden or chapelwarden shall go to the poor of the parish

* No pecuniary fine or penalty appears to be imposed by any clause of this act.

s. 20.

This act to extend to churches, chapels, and burying grounds though not parochial.

Books how provided, and copies transmitted in such cases.

*Saving for marriage act.
(26 Geo. 2. c. 33)*

parish or place for which such churchwarden, &c. shall serve; and the remainder of such fines as shall be imposed on any rector, vicar, minister, curate, or registrar, shall be applied to such charitable purposes in the county within which such parish, &c. shall be, as shall be appointed by the bishop of the diocess. By s. 20. all the provisions in this act shall extend, so far as circumstances will permit, to cathedral and collegiate churches, and chapels of colleges or hospitals, and the burying grounds belonging thereto; and to the ministers who shall officiate therein, and shall baptize, marry, or bury any person, although such churches or chapels, or burying grounds, may not be parochial, or the ministers officiating therein may not be, as such, parochial ministers, and there shall be no churchwarden thereof; and in all such cases, the books hereinbefore directed to be provided, shall be provided at the expense of the body having right to appoint such officiating minister; and copies thereof shall be transmitted to the registrar of the diocess within which such church, &c. shall be, by the officiating minister of such church, in like manner as herein directed with respect to parochial ministers, and shall be attested by 2 of the officers of such church, &c. as the copies of parochial registers are herein directed to be attested by churchwardens: And it is provided that nothing herein shall repeal the Marriage act, (26 Geo. 2. c. 33. Eng.)

Schedules to which this act refers.

SCHEDULE (A.)

I.

Baptisms solemnized in the parish of *St. A.* in the county of *B.* in the year

When Baptized.	Child's christian name	Parents name.		Abode.	Quality Trade or Profession.	By whom the ceremony was performed.
		Christian.	Surname.			
No. 1.						

SCHEDULE (B.)

I.

Marriages solemnized in the parish of *St. A.* in the
county of *B.* in the year

A. B. of $\left\{ \begin{array}{l} \textit{the} \\ \textit{this} \end{array} \right\}$ Parish.

And *C. D.* of $\left\{ \begin{array}{l} \textit{the} \\ \textit{this} \end{array} \right\}$ Parish.

Were married in this $\left\{ \begin{array}{l} \textit{Church} \\ \textit{Chapel} \end{array} \right\}$ by $\left\{ \begin{array}{l} \textit{Banns} \\ \textit{License} \end{array} \right\}$

with consent of $\left\{ \begin{array}{l} \textit{Parents} \\ \textit{Guardians} \end{array} \right\}$

this day of in the year

By me *I. I.* $\left\{ \begin{array}{l} \textit{Rector} \\ \textit{Vicar} \\ \textit{Curate} \end{array} \right\}$

This marriage was solemnized between us $\left\{ \begin{array}{l} \textit{A. B.} \\ \textit{C. D.} \end{array} \right\}$

In the presence of $\left\{ \begin{array}{l} \textit{E. F.} \\ \textit{G. H.} \end{array} \right\}$

SCHEDULE (C.)

I.

Burials in the parish of *A.* in the county of *B.* in
the year

Name.	Abode.	When Buried.	Age.	By whom the ceremony was performed.
No. 1				

SCHEDULE (D.)

“ I do hereby certify, that I did on the
“ day of baptize according to the
“ rites

“ rites of the united church of England and Ireland,
 “ son (or daughter,) of and
 “ his wife, by the name of

“ To the rector (or as the case may be) of .”

“ I do hereby certify that on the
 “ day of A. B. of aged
 “ was buried in (stating the place of burial,) and that the
 “ ceremony of burial was performed according to the rites
 “ of the united churches of England and Ireland, by
 “ me,

“ To the rector (or as the case may be,) of .”

SCHEDULE (E.)

“ To the registrar of the diocese of
 “ at

“ A. B. } Churchwardens (or chapelwardens) of the
 “ C. D. } parish (or chapelry) of (or such
 other description as the case shall require.)

Of Title by Forfeiture.

Trustees, &c. of
 charities shall
 register with
 clerk of the
 proper county a
 particular
 statement grant-
 ed, objects of
 the charities,
 names of found-
 ers, &c.

52 Geo. 3. c. 102.
 E. & W.

P. 511. l. 16. The 52 Geo. 3. c. 102. E. & W. re-
 cites, that charitable donations have been given for the
 benefit of poor and other persons in England and Wales,
 to a very considerable amount, and many of said donations
 appear to have been lost, and others, from the neglect of
 payment, and the inattention of those persons who ought
 to superintend them, are in danger of being lost, or ren-
 dered very difficult to be preserved; and therefore enacts,
 that a memorial or statement of the real and personal
 estate, and of the gross annual income, investment, and
 the general and particular objects of all charities and
 charitable

charitable donations, for the benefit of any poor or other persons in any place in England and Wales, which shall have been founded, established, made, benefited, encreased or secured, together with the names of the respective founders of, or benefactors thereto, where known, and also of the person or persons in whose custody, possession or controul, the deeds, wills, and other instruments where-
 by such charities, &c. shall have been founded, &c. may be, and also of the names of the then trustees, feoffees, or possessors of, shall, from and after 6 calendar months' after the passing of this act, be registered by such trustees, feoffees, or possessors thereof, or some one of such persons, in the form contained in the schedule to this act, in the office of the clerk of the peace of the county, or city or town being a county of itself, within which such poor or other person shall be; and such memorial, &c. shall be signed by such persons causing the same to be registered, and left in the said office of such clerk of the peace, who shall forthwith transmit a duplicate or copy of the same unto the inrolment office of the high court of chancery.

And by s. 2. whenever any such charity, &c. shall be founded, &c. by any deed, &c. hereafter to be made or executed by any person, then a like memorial or statement shall be registered, and left and transmitted as aforesaid, by such person as herein-before mentioned, within 12 months after the decease of such person by whom such will, &c. shall have been made, &c.

And by s. 3. the clerk of the peace of every such county, &c. shall, as there shall be occasion, provide proper books of parchment or vellum, wherein such registers shall be made and entered; and every such original memorial, &c. and every such book provided as aforesaid, shall be carefully kept and preserved for public use and inspection in the office to which it shall belong, together with a correct index (to be made from time to time by such clerk of the peace) of such charities, &c. distinguishing each by the name of the original or first donor or founder thereof, where known, or the appellation or title most generally used for such charity, &c. And by s. 4. in case the persons to be benefited by any such charity, &c. shall not

Also names of persons in whose custody, &c. deed may be. and of trustees, &c.

Memorial how signed and inrolled.

s. 2.
Charities hereafter founded to be in like manner registered.

s. 3.
Clerks of the peace to provide proper books for such registries.

Index thereto.

s. 4.
Where persons be to be benefited

are not wholly within one county, then notice given in London gazette.

s. 5.

If charity not duly registered, court of chancery or exchequer to relieve upon petition of 2 persons interested.

s. 6.

Right to property registered, not decided by registry, &c.

s. 7.

Clerk of peace to give copies of memorials, &c.

s. 8.

Allowance to clerk of peace for entering memorials, and notifying, &c.

be wholly within any one county, then, such clerk of the peace of the county wherein such charity shall be registered, shall forthwith notify in the London Gazette the name or title thereof, according to the appellation used in the index aforesaid, and the names of the several places wherein the object of such charity, &c. shall be, and the particular or general objects thereof, and also the name of the county wherein such memorial, &c. shall have been registered. By s. 5. if any such charity, &c. shall not be duly memorialized, stated, and registered according to the provisions of this act, it shall be lawful for any 2 persons or more, interested in such charity, &c. to present a petition to the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal, or master of the rolls, or court of exchequer, complaining thereof; and they shall hear such petition in a summary way, and upon affidavits, or such other evidence as shall be produced upon such hearing, determine the same, and make such order therein, and with respect to the costs of such application and proceedings, as to him or them shall seem fit; which order shall be final and conclusive. Provided (s. 6.) that no proceedings under the provisions herein-before mentioned, shall extend to decide any right or title as to the property that shall be so registered, or as to the persons who shall be entitled or claim to be entitled to the benefit thereof, or any interest therein. By s. 7. every clerk of the several counties and ridings in England and Wales, shall, as often as required, make searches concerning all memorials and statements directed by this act to be entered in his office as aforesaid, and shall also give copies of the same under his hand, if required by any person who shall tender or be willing to pay him the sum herein-after directed to be allowed to him for such copies of such memorials, &c. And by s. 8. every clerk of the peace shall be allowed for the registering every such memorial the sum of 4s. in case the same do not exceed 400 words, but if such memorial, &c. shall exceed 400 words, then after the rate of 1s. an hundred for all the words contained in such

said entry, and the like fees for the like number of words contained in every copy of any entry given out of said register, and no more; and for every notification in the London Gazette, the costs of such notification, and the further sum of 10s. for drawing and inserting the same, and transmitting the duplicate or copy to the inrolment office in chancery. By s. 9. where any difficulty shall

s. 9.

occur in making and preparing such memorial, &c. it shall be lawful for the court of quarter sessions for the county, &c. wherein such memorial, &c. is intended to be registered, to allow, on application made to them, and on examination of the circumstances, such further time, not exceeding 6 calendar months, as to such court shall seem necessary for the purpose of duly registering such memorial, &c. And by s. 10. it shall be lawful for the court of

Further time allowed for such registries, by quarter sessions, where necessary,

s. 10.

quarter sessions of the county, &c. wherein such memorial, &c. shall have been registered, to allow such reasonable costs and charges attending the preparing and registering, notifying and transmitting such memorial, &c. with reference to the income of the charity, to such person causing the same to be registered, as such court shall think fit; and it shall be lawful for such person to deduct out of the income, funds, rents and profits in his hands, of such charity so registered, the sum so allowed: Provided that said court of quarter sessions shall not allow any sum for costs, &c. unless it shall be stated to them upon the declaration in writing of the person so applying for such allowance, and signed by him, that such memorial, &c. is, to the best of his knowledge and belief, true in every respect, and that it doth contain, to the best of his knowledge and belief, a true and full account of the real and personal estate, annual gross income, investment, and the particular or general objects of the charity or charitable donation of which such memorial, &c. shall have been registered, together with the names of the respective donors or benefactors thereto, when known, and also of the person or persons in whose custody, possession, or control, the deeds, wills, and other instruments herein-before mentioned, shall at such time be, and also of the names of the trustees, feoffees, or possessors of such real and personal

Costs to be allowed with reference to income of charity.

No costs allowed unless truth of memorial attested by signature, &c. of person applying for allowance.

Exception of charities not secured upon lands, or in public funds, and charitable donations which may be expended at discretion of governors, &c.

s. 11.

Act not to extend to any royal foundations.

Certain corporations, friendly societies, and colleges, &c. also excepted.

Donations for Jewish nation also excepted :

s. 12.

Or for Quakers.

s. 13.

Charities, &c. the accounts of

estate : provided that none of the provisions herein-before contained shall extend to any charity, &c. not issuing out of or secured upon any lands, &c. or directed by the founder or donor thereof, to be secured thereon, or to be permanently invested in government or any public stocks or funds ; nor to any charitable donation, which, by the direction of the donor, or by the lawful rules of such charitable institution, may be wholly or in part expended in and about the charitable purposes for which the same may have been given, at the discretion of the governors, directors, managers or trustees of such charitable institution, at any time whatsoever. And by s. 11. this act shall not extend to any hospital, school, or other charitable institution, which shall have been founded, improved, or regulated, by or under the authority of his majesty or any of his predecessors, or of any special act of parliament ; nor to any charitable donation under the superintendence of any such hospital, &c. ; nor to the governors of the corporation of the charity for the relief of poor widows and children of clergymen ; nor to any friendly society, the rules whereof shall have been confirmed according to the provisions of the act or acts for the encouragement and relief of friendly societies ; nor to the universities of Oxford or Cambridge ; nor to any college or hall thereto belonging ; nor to any charitable bequest, devise, gift or foundation belonging thereto, or under the control, &c. of said universities or either of them, or any college or hall therein ; nor to the Radcliffe infirmary, within the university of Oxford ; nor to the colleges of Westminster, Eton or Winchester ; nor to any cathedral or collegiate church within England and Wales ; nor to the charter house ; nor to the corporation of the Trinity house of Deptford Strand ; nor to any funds applicable to charitable purposes for the benefit of the Jewish nation. And by s. 12. nothing in this act shall extend to any charitable foundation or donation, to or for the benefit of any person or persons of the society of quakers, and which shall be under the superintendence and controul of persons of that persuasion. Nor by s. 13. to any charity or charitable donation or foundation, the accounts of the income and expenditure

expenditure whereof shall have been directed to be annually passed in chancery; nor to any charity, &c. the annual gross income whereof shall not exceed 40s. and of which the trustees, feoffees, or possessors, some or one of them, shall, within 6 months after the passing of this act, deposit in the hands of the minister of the parish wherein any of the objects of such charity, &c. shall be, a written memorial or statement in like form as in the schedule hereunto annexed is contained, and which by such minister shall be forthwith deposited in the parish chest. By s. 14. where any body corporate, guild or fraternity, shall be entrusted with the possession or distribution of divers charities or charitable donations or foundations, or of the rents and profits thereof, in such cases all such charities, &c. may be registered and stated in one and the same memorial. Saving (by s. 15.) to the king, and to all other persons, such power of superintending and regulating charities, &c. and the property and the funds thereof, as they had before the making of this act.

which are directed to be passed in chancery, and those whose income does not exceed 40s. excepted.

s. 14.

Divers charities stated in one memorial.

s. 15.

Saving for superintending power of king and others.

Schedule to which this act refers :

A memorial or statement in pursuance of an act for the registering and securing of charitable donations; whereby it is declared by the undersigned, [state the name or names of the persons who sign the memorial or statement,] that the real or personal estate [state this as the case may be,] of the [state the title or appellation of the charity or charitable donation,] consists of [state this as the case may be, and if real estate, whether it be in lands, tenements or hereditaments, and of what tenure, and where the same are situate, or whether of any charge or incumbrance on any lands, tenements or hereditaments, and where situate; and if personal estate, describe the nature of it and how secured;] and the gross annual income arising therefrom amounts to [state the sum,] and the objects of which charity or charitable foundation are [state the general or particular objects of the charity;] and which charity or charitable foundation was, according to the best of my [or our, *as the case may be,*] knowledge and belief, founded by [state by whom; and if benefited, encreased, or secured by any other person, state the same, and by whom;] and the

Schedule referred to.

the deeds, wills, and other instruments, [state this as the case may be; and if no deeds, wills, or other instruments exist, state the same,] are, to the best of my [*or, our, as the case may be,*] knowledge and belief, in the custody, possession or controul, [state this as the case may be,] of [state the name of the body corporate or natural person;] and the trustees, feoffees or possessors, [state this as the case may be,] of the said real and personal estate, [state this as the case may be,] are, to the best of my [*or, our, as the case may be,*] knowledge and belief, [state the name of the body corporate or natural person, as the case may be.]

(Signed) *A. B.*

C. D.

E. F.

Trustee or trustees, feoffees, possessor or possessors of the real or personal estate [as the case may be,] of the charity or charitable donation hereby memorialized and registered.

Of Alienation by Deed.

Deeds in execution of powers, &c. (requiring the instruments to be signed by, or under the hands of, persons executing the same,) valid, though the attestation of witness does not express the fact of signing, &c. if duly signed and executed, and in other respects duly attested.

P. 520. l. 23. The 54 Geo. 3. c. 168. U. K. recites, that powers, authorities, and trustees, are in many cases required to be executed by deeds or instruments signed by or under the hands of the persons executing the same, or persons consenting to or directing acts respecting such powers, &c. are frequently required to signify such consent or direction by deeds or instruments signed by them, or under their hands, and it has been the ordinary practice, in the memorandum of the attestation of deeds, to express the facts of sealing and delivery only; and that doubts have arisen respecting the validity of deeds or instruments so attested and requiring signature, and therefore enacts, that every deed or other instrument already made with

with the intention to exercise any power, authority, or trust, or to signify the consent or direction of any person whose consent, &c. may be necessary to be so signified, shall (if duly signed and executed, and in other respects duly attested,) be, from the date thereof, and so as to establish derivative titles, if any, of the same validity and effect, and no other, at law and in equity, and proveable in like manner, as if a memorandum of attestation of signature, or being under hand and seal, had been subscribed by the witness or witnesses thereto; and the attestation of the witness, &c. thereto, expressing the fact of sealing, or of sealing and delivery, without expressing the fact of signing, or any other form of attestation, shall not exclude the proof or presumption of signature. And

by s. 2. this act shall extend to all deeds, &c. already made

s. 2.

in exercise of powers, authorities and trusts, of sale, exchange, partition, selection, nomination, discretion, leasing,

To what deeds this act shall extend.

jointuring, raising portions and other charges, and for

appointing new trustees, and other powers, &c. whatsoever, or made for evidencing assent, consent, request,

direction, or any other like circumstance in reference to

the execution of any such powers, &c. Provided (s. 3.)

s. 3.

that this act shall not extend to revive or give effect to

any appointment, revocation, or other assurance hereto-

Proviso as to deeds already avoided by entry, suit, &c.

fore made, as far as the same has been avoided by entry or

claim, or by suit at law or in equity, or by any other legal

or equitable means; nor shall this affect or prejudice any

suit, &c. now depending, for avoiding any deed or other

instrument of appointment, revocation, or assurance. Pro-

vided (s. 4.) that if any person who has made any such

s. 4.

entry or claim, or who has brought any such suit, or has

defended any suit, for the purpose of avoiding any such

But the benefit of such entry, &c. may be released within 6 months.

appointment, &c. should release the benefit of the same

entry, &c. within 6 calendar months after the passing of

this act, (30 July, 1814,) then such entry, &c. shall not

prejudice, &c. such appointment, &c. And provided

s. 5.

(s. 5.) that nothing in this act shall affect any question re-

specting any instrument not within the provisions of this

Proviso as to deeds not within the meaning of this act.

act, and which may want any formality in the attestation

of any witness or witnesses thereto.

*Archbishops
and bishops
may accept sur-
renders of leas-
es of mensal
lands separated
from actual de-
mesnes, and de-
mise same, or
part thereof.*

*53 Geo. 3. c. 92.
I.*

*Such leases not
to exceed 21
years, and to
reserve the rent
payable for the
last 20 years.*

P. 534. l. 27. The 53 Geo. 3. c. 92. I. recites th
15 Geo. 2. c. 5. Ir. and 19 Geo. 2. c. 16. Ir. here stated,
and the 35 Geo. 3. c. 23. Ir. (see Digest. p. 529.) and that
commissions have issued, and demesnes been set apart,
pursuant to the provisions of the 15 Geo. 2. c. 5. in some
dioceses, and leases for years, not exceeding 21 years, have at
various times been made of the remaining mensal lands in
such dioceses, which leases or several of them are now
subsisting, and that doubts have been entertained notwith-
standing the 35 Geo. 3. c. 23. whether if surrenders were
made and accepted of the said leases so granted, and if
new leases were granted thereof, such leases would be con-
sidered valid; and therefore, to remove such doubts,
enacts, that it shall be lawful for any archbishop or bishop
in Ireland having belonging to him mensal lands so sepa-
rated from a sufficient and actual demesne, (not less than
250 acres) as by the 15 Geo. 2. c. 5. is provided, and for
his successors, from time to time, to accept surrenders of
any leases heretofore made, or which shall hereafter be
made, of all or any part of the said mensal lands so
belonging to him, and over and above the demesne so set
out for him and his successors, as by the said 15 Geo. 2.
c. 5. and 19 Geo. 2. c. 16. is directed, with their appur-
tenances, and thereupon to demise the same, or any part
thereof, unto any person or persons for any term not ex-
ceeding 21 years from the time of making such lease;
provided that there be reserved upon every such lease
hereafter to be made, a yearly rent not less than the yearly
rent paid and payable thereout for the last 20 years pre-
ceding the making of such lease.

Of Alienation by Devise.

*Dispositions or
charges by will
of copyhold es-*

P. 582. l. 6. The 55 Geo. 3. c. 192. E. & I. recites,
that by the custom of certain manors, copyhold estates
of

of such manors pass by the last will and testament of the copyhold tenants thereof declaring the uses of surrenders made for that purpose, and that much inconvenience has arisen from the necessity of making such surrenders; and therefore enacts, that in all cases where by the custom of any manor in England or Ireland, any copyhold tenant of such manor may by his last will and testament dispose of or appoint his copyhold tenements, the same having been surrendered to such uses as should be declared by such last will, &c. every disposition or charge made or to be made by any such last will, &c. by any person who shall die after the passing of this act, (12 July, 1815,) of any such copyhold tenements, or of any right, title, or interest in or to the same, shall be as valid to all intents, although no surrender shall have been made to the use of such last will. Provided (s. 2.) that no person entitled or claiming to be entitled to copyhold lands, &c. in consequence of any testamentary disposition, shall be entitled to be admitted to the same by virtue of this act, except upon payment of all such stamp duties, fees, and sums of money, as would have been lawfully payable in respect of the surrendering of such copyhold lands, &c. to the use of such will, or in respect of the presenting, registering, or inrolling such surrender, had the same lands, &c. been surrendered to the use of the will of the person so disposing of the same; all such stamp duties, &c. to be paid in addition to the stamp duties payable on the admission of such person so entitled or claiming to be entitled to the same copyhold lands, &c. and the stamp duties to be affixed to the copy of the admission. Provided (s. 3.) that nothing in this act shall render invalid or ineffectual any devise or disposition of any copyhold lands, &c. or of any right, &c. to the same, which would be valid if this act had not been made; or to render valid any devise or disposition of any copyhold lands, &c. or of any right, &c. to the same, which would be invalid, &c. if a surrender had been made to the use of the last will, &c. of the person attempting to dispose of the same by will.

tates valid, without any surrender to the use of such will, though such surrender required by the custom of such manor.

55 Geo. 3. 192. E. & I.

s. 2.

But all stamp duties, fees, &c. to be paid as if surrender presented, registered, and inrolled, in addition to stamp duties payable on admission.

s. 3.

Devise, &c. not hereby rendered invalid which would be otherwise valid, nor vice versa.

Of Title to Things Personal by Occupancy.

Provisions of
8 Ann. c. 19.
Eng. and 41
Geo. 3. c. 107.
U. K. as to de-
livering copies
of books to pub-
lic libraries re-
pealed.

54 Geo. 3. c. 156.
U. K.

s. 2.

Eleven printed
copies shall be
delivered within
12 months after
publication, for
the use of cer-
tain public li-
braries, if de-
mand made by
warehouse-
keeper of sta-
tioners hall, or
librarian, &c.

P. 589. l. 6. The 54 Geo. 3. c. 156. U. K. repeals so much of the 8 Ann. c. 19. Eng. and 41 Geo. 3. c. 107. U. K. as requires that any copy or copies of any book or books which shall be printed and published, or reprinted and published with additions, shall be delivered by the printer or printers thereof to the warehouse-keeper of the company of stationers for the uses of any of the libraries in the said act mentioned, and as requires the delivery of the said copies by the said warehouse-keeper for the use of the said libraries, and as imposes any penalty on such printer or warehouse-keeper for not delivering said copies. And by s. 2. enacts, that 11 printed copies of the whole of every book, and of every volume thereof, upon the paper on which the largest number or impression of such book shall be printed for sale, together with all maps and prints belonging thereto, which after the passing of this act, (29 July, 1814,) shall be printed and published, on demand thereof being made in writing to or left at the place of abode of the publisher or publishers thereof, at any time within 12 months next after the publication thereof, under the hand of the said warehouse-keeper, or the librarian or other person thereto authorized by the persons or body corporate, proprietors or managers of the libraries following, viz: the British museum, Sion college, the Bodleian library at Oxford, the public library at Cambridge, the library of the faculty of advocates at Edinburgh, the libraries of the four universities of Scotland, and Trinity college library and king's inns library at Dublin; or so many of such 11 copies as shall be demanded on behalf of such libraries respectively, shall be delivered by the publishers thereof, within one month after demand made thereof in writing as aforesaid, to the warehouse-keeper

warehouse-keeper of the said company of stationers; which copies the said warehouse-keeper shall receive at the hall of the said company, for the use of the library for which such demand shall be so made; and the said warehouse-keeper shall, within one month after any such book or volume shall be so delivered to him as aforesaid, deliver the same for the use of such library: and if any publisher, or the warehouse-keeper of the said company of stationers, shall not observe the directions of this act therein, then he and they so making default in not delivering or receiving the said 11 printed copies as aforesaid, shall forfeit, besides the value of the said printed copies, £5. for each copy not so delivered or received, together with the full costs of suit; the same to be recovered by the person or body corporate, proprietors or managers of the library for the use whereof such copy or copies ought to have been delivered or received, by action of debt, or other proper action, in any court of record in the united kingdom. Provided (s. 3.) that no such printed copy shall be demanded by or delivered to or for the use of any of the libraries herein-before mentioned, of the second or any subsequent edition of any book so demanded, &c. unless the same shall contain additions or alterations: and in case any edition after the first of any book so demanded, &c. shall contain any addition or alteration, no printed copy thereof shall be demanded, &c. if a printed copy of such additions or alterations only, printed in any uniform manner with the former edition of such book, be delivered to each of the libraries aforesaid, for whose use a copy of the former edition shall have been demanded: provided also that the copy of every book that shall be demanded by the British Museum, shall be delivered of the best paper on which such work shall be printed. And the duration of copyright as limited by the 8 Ann. c. 19. Eng. and 41 Geo. 3. c. 107. U. K. is extended by s. 4. of this act, which provides, that the author of any book composed and not printed and published, or which shall hereafter be composed and be printed and published, and his assigns, shall have the sole liberty of printing and reprinting such book for the full term of 28 years, to commence

Penalty for default of publisher or warehouse keeper.

s. 3.

No copies to be demanded of new editions unless there be additions, &c.

Copy of additions, &c. only may be furnished.

Copy for British Museum on best paper.

s. 4.

Copyright extended to 28 years and life of author.

*Booksellers, &c.
infringing on
copyright, liable
to special action,
and double
costs:*

*Book also for-
feited, and 3d.
per sheet.*

from the day of first publishing the same, and also, if the author shall be living at the end of that period, for the residue of his natural life; and if any bookseller or printer, or other person, in any part of the united kingdom of Great Britain and Ireland, in the isles of Man, Jersey or Guernsey, or other part of the British dominions, shall, within the time limited by this act, print, reprint, or import, or cause to be printed, &c. any such book without the consent of the author, or other proprietor of the copyright of said book, first had and obtained in writing; or, knowing the same to be so printed, &c. without such consent of such author or proprietor, shall sell, publish, or expose to sale, or cause to be sold, &c. or shall have in his possession for sale, any such book, without such consent first obtained, such offender shall be liable to a special action on the case, at the suit of such author or proprietor; and every such author or proprietor shall, in such special action, (to be brought in any court of record in that part of the united kingdom, or of the British dominions, in which the offence shall be committed,) recover such damages as the jury on the trial of such action, or on the execution of a writ of inquiry thereon, shall give or assess, together with double costs of suit; in which action no wager of law, &c. shall be allowed; and every such offender shall forfeit such book, and every sheet being part of such book, and shall deliver the same to the author or other proprietor of the copyright, upon order of any court of record in which any action or suit in law or equity shall be commenced, &c. to be made on motion or petition to said court; and the said author or proprietor shall, forthwith, damask or make waste paper of the said book and sheets; and such offender shall also forfeit 3d. for every sheet thereof, either printed or printing, or published or exposed to sale, contrary to the intent of this act; one moiety thereof to the king, and the other to any person who will sue for the same, in any such court of record, by action of debt, &c. in which, &c.: provided that in Scotland such offender shall be liable to an action of damages in the court of sessions in Scotland, which shall be brought in the same manner as any other action

action of damages may be brought, &c. there; and in any such action where damages shall be awarded, double costs of suit or expenses of process shall be allowed. In order to ascertain what books shall be from time to time published, this statute enacts (s. 5.) that the publisher of every book demandable under this act, which shall be published at any time after the passing of this act, shall, within a calendar month after the day on which any such book shall be first sold, published, advertised, or offered for sale, within the bills of mortality, or within 3 calendar months, if the said book shall be sold, published or advertised in any other part of the united kingdom, enter the title to the copy of every such book, and the name or names and place of abode of the publisher or publishers thereof, in the register book of the company of stationers in London, in such manner as hath been usual with respect to books the title whereof hath heretofore been entered in such register book, and deliver one copy, on the best paper as aforesaid, for the use of the British Museum; which register book shall, at all times, be kept at the hall of the said company; for every of which several entries the sum of 2s. shall be paid, which said register book may at all seasonable times be resorted to and inspected by any person; for which inspection the sum of 1s. shall be paid to the warehouse-keeper of the said company of stationers; and such warehouse-keeper shall, when and as often as thereto required, give a certificate under his hand of every or any such entry, and for every such certificate the sum of 1s. shall be paid; and in case such entry of the title of any such book shall not be duly made by the publisher of any such book, within the said calendar month, or 3 months, as the case may be, then the publisher shall forfeit £5. together with eleven times the price at which such book shall be sold or advertised, to be recovered, together with full cost of suit, by the person or body corporate authorized to sue, and who shall first sue for the same, in any court of record in the united kingdom, by action of debt, &c. in which, &c.: provided that in the case of magazines, reviews, or other periodical publications, it shall be sufficient to make such entry in the

s. 5.

The titles of all books demandable shall be entered at Stationers' Hall.

Fees of register and warehouse-keeper.

Penalty for default of making such entry.

Proviso as to periodical publications,

register

- register book of the said company, within a month next after the publication of the first number or volume of such magazine, &c. : provided that no failure in making any such entry, shall in any manner affect any copyright, but shall only subject the person making default to the penalty aforesaid under this act. By s. 6. the said ware-house-keeper shall, at all times, without any greater interval than 3 months, transmit to the librarian or other person authorized on behalf of the libraries before-mentioned, correct lists of all books entered in the books of said company, and not contained in former lists; and that on being required so to do by the said librarians, &c. he shall call on the publishers of such books, for as many of the said copies as may have been demanded of them. Provided (s. 7.) that if any publisher shall be desirous of delivering the copy of such book or volume as shall be demanded on behalf of any of the said libraries, at such library, he may deliver the same at such library, to the librarian or other person authorized to receive the same, who shall give a receipt for the same; and such delivery shall, to all intents, be held as equivalent to a delivery to the said warehouse-keeper. And this statute recites (s. 8.) that it is reasonable that authors of books already published, and who are now living, should also have the benefit of the extension of copyright; and for that purpose enacts, that if the author of any book which shall not have been published 14 years at the time of passing this act, shall be living at the said time, and if such author shall afterwards die before the expiration of said 14 years, then the personal representative of said author, and the assignee or assigns of such personal representative, shall have the sole right of printing and publishing the said book for the further term of 14 years after the expiration of the first 14 years: provided that nothing in this act shall affect the right of the assigns of such author to sell any copies of the said book which shall have been printed by such assigns within the first 14 years, or the terms of any contract between such author and such assigns. And by s. 9. if the author of any book or books which have been already published, shall be living at the end of 28 years,
- s. 6. *Warehouse-keeper to transmit to librarians, &c. lists of books entered, and call on publishers for copies if required.*
- s. 7. *Publisher may deliver copies to librarians, &c.*
- s. 8. *Authors of books already published, (if 14 years not expired,) to have further 14 years copyright:*
- s. 9. *And if living at the end of*

years after the first publication thereof, he shall, for the remainder of his life, have the sole right of printing and publishing the same: provided that this shall not affect the right of the assignee of such author to sell any copies of the said book which shall have been printed by such assignee, within the said 28 years, or the terms of any contract between such author and such assignee. Provided (s. 10.) that all actions, suits, bills, indictments, or informations, for any offence that shall be committed against this act, shall be brought, sued, and commenced, within 12 months after such offence committed, or else the same shall be void.

28 years to
have exclusive
right for their
lives.

s. 10.
Limitation of
actions, &c.

The 38 Geo. 3. c. 71. Eng. (which is stated in the Addenda, p. 47.) is amended by the 54 Geo. 3. c. 56. G. B. which enacts, that every person who shall make or cause to be made any new and original sculpture or model, or copy or cast of the human figure or figures, or of any bust or busts, or of any part or parts of the human figure, clothed in drapery or otherwise, or of any animal or animals, or of any part or parts of any animal, combined with the human figure or otherwise, or of any subject being matter of invention in sculpture, or of any *alto* or *basso-relievo* representing any of the matters or things herein-before mentioned; or any cast from nature of the human figure, or of any part or parts of the human figure, or of any cast from nature of any animal, or of any part or parts of any animal, or of any such subject containing or representing any of the matters and things herein-before mentioned, whether separate or combined, shall have the sole right and property of all and in every such new and original sculpture, model, copy, cast, and bust, (as above enumerated,) for the term of 14 years from first putting forth or publishing the same: provided that the proprietor do cause his name, with the date, to be put on every such new and original sculpture, model, copy or cast, and on every such cast from nature, before the same shall be put forth or published. And by s. 2. the sole right and property of all works, which have been put forth or published under the protection of the 38 Geo. 3. c. 71. Eng. shall be extended, continued to, and vested in the respective

Exclusive right
to inventions in
sculpture, or
alto or *basso re-
lievo*, vested in
proprietors for
14 years.

54 Geo. 3. c. 56
G. B.

Name of prop-
rietor to be
put in model,
copy or cast.

s. 2.

Works put forth
under 38 Geo.
3. c. 71. Eng.
vested in pro-
prietors for 14
years.

s. 3.
Persons putting
forth pirated
copies or casts,
liable to special
action and dou-
ble costs.

respective proprietors thereof, for the term of 14 years, to commence from the date when such last mentioned works were respectively put forth, &c. By s. 3. if any person shall, within such term of 14 years, make or import, or cause to be made or imported, or exposed to sale, or otherwise disposed of, any pirated copy or cast of any such new and original sculpture, or model, or copy, or cast of the human figure, or of any such bust, or of any such part or parts of the human figure, clothed in drapery or otherwise, or of any such subject being matter of invention in sculpture, or of any such *alto* or *basso-relievo* representing any of the matters or things herein-before mentioned, or of any such cast from nature as aforesaid, whether such pirated copy or cast be produced by moulding or copying from, or imitating in any way, any of the matters put forth or published under the protection of this act, or of any works which have been put forth, &c. under the protection of the 38 Geo. 3. c. 71. Eng. the right and property whereof are extended and protected by this act, in any of the cases as aforesaid, to the damage or loss of the original or respective proprietor of any such works so pirated; in all such cases, the said proprietors, or their assignees, shall, in a special action upon the case, to be brought against such offenders, receive such damages as the jury shall give or assess, together with double costs of suit. Provided (s. 4.) that no person who

s. 4.
Saving for
rights of pur-
chase.

shall hereafter purchase the right or property of any of the matters and things published under or protected by virtue of this act, of the proprietor, expressed in a deed in writing signed by him with his own hand, in the presence of and attested by 2 or more credible witnesses, shall be subject to any action for copying or casting, or vending the same. And by s. 5. all actions to be brought

s. 5,
Limitation of
actions.

as aforesaid, shall be commenced within 6 calendar months next after the discovery of every such offence. By s. 6.

s. 6.
Original inven-
tor to have a
further term of
14 years, if liv-
ing at the expi-
ration of the
first 14 years.

after the expiration of the said 14 years, the sole right of making and disposing of such new and original sculpture, or model, or copy, or cast of any of the matters or things herein-before mentioned, shall return to the person who originally made or caused to be made the same, if living, for

for the further term of 14 years, except when such person shall, by sale or otherwise, have divested himself of such right of making or disposing of any new and original sculpture, or model, or copy or cast of any of the things herein-before mentioned, previous to the passing of this act, (18th May, 1814).

Of Title by Gift, Grant, and Contract.

P. 605, l. 18. The 17 Geo. 3. c. 26. Eng. is repealed by the 53 Geo. 3. c. 141. E. & W. save so far as regards annuities or rent-charges which have been granted before the passing of this act (14th July, 1813.) and this statute enacts (s. 2.) that within 30 days after the execution of every deed, bond, instrument or other assurance, whereby any annuity or rent-charge shall, after the passing of this act, be granted, for one or more life or lives, or for any term of years or greater estate determinable or one or more life or lives, a memorial of the date of every such deed, &c. of the names of all the parties and of all the witnesses thereto, and of the person or persons for whose life or lives such annuity, &c. shall be granted, and of the person or persons by whom the same is to be beneficially received, the pecuniary consideration for granting the same, and the annual sum to be paid, shall be inrolled in chancery, in the form or to the effect following, with such alterations therein as the circumstances of any particular case may require:

The 17 Geo. 3. c. 26. Eng. repealed.

53 Geo. 3. c. 141. E. & W.

s. 2.

Annuities to be inrolled in chancery.

Table,—Form of Inrolment,

<i>Form of inrol- ment.</i>	<i>Date of instru- ment.</i>	<i>Nature of instru- ment.</i>	<i>Names of par- ties.</i>	<i>Names of wit- nesses.</i>	<i>Name or names of per- son or persons by whom an- nuity or rent- charge to be beneficially received.</i>	<i>Person or per- sons for whose life or lives the annuity or rent- charge is granted.</i>	<i>Consi- deration and how paid.</i>	<i>Amount of an- nuity or rent- charge.</i>
	10 Aug. 1813.	Inden- tures of lease & release.	A. B. of one part, C. D. of the other part.	E. F. of G. H. of	C. D.	A. B.	£100 paid in money, £500 paid in notes of the go- vernor and com- pany of the bank of Eng- land (or other notes or bills of exchange as the case may be)	£100 a year.
	Same date.	Bond in penalty of £1,200.	A. B. to C. D.	E. F. G. H.	} For securing the same annuity or rentcharge.			
	Same date.	Warrant of attor- ney to confess judg- ment on the same bond.	A. B. to J. K. and L. M. at- tornies of court of king's bench.	E. F. G. H.				

s. 3.
Companies to be
described by
their firm.

otherwise every such deed, &c. shall be void to all intents.
Provided s. 3. that if any such annuity shall be granted by,
or to or for the benefit of any company exceeding in num-
ber 10 persons, which company shall be formed for the
purpose of granting or purchasing annuities, it shall be
sufficient in any such memorial to describe such company
by

by the usual firm or name of trade. And by s. 4. in every deed, &c. whereby any annuity, &c. shall, after the passing of this act, be granted or attempted to be granted for one or more life or lives, or for any term of years or greater estate determinable on one or more life or lives, where the person or persons to whom such annuity shall be granted or secured to be paid, shall not be entitled thereto beneficially, the name or names of the person or persons who is or are intended to take the annuity beneficially, shall be described in like manner as hereinbefore required in the inrolment; otherwise every such deed, &c. shall be void. By s. 5. in case any person by whom any annuity, &c. (of which such particulars as aforesaid are required to be inrolled) shall for the time being be payable, shall be desirous of obtaining a copy of any deed, &c. whereby such annuity, &c. was granted, and of such his desire shall give 21 days notice in writing to the person or persons for the time being entitled to such annuity, &c. such person shall, on or before the expiration of such 21 days,) (unless prevented by fire or other inevitable accident, and in that case, if the assurances shall not be destroyed by such accident) then as soon after as such impediment shall be removed, send or deliver to the person requiring the same, a copy of every deed, &c. whereby such annuity, &c. was granted, or of such of the assurances as in such notice shall be required; and such last-mentioned person shall, at the time of receiving the same, pay to the person furnishing the same, a sum after the rate of 6*d.* for every 100 words contained in every such copy, and also the reasonable costs of sending or delivering the same; and the person, &c. holding the original instruments by which such annuity, &c. shall be secured, shall suffer the person, &c. to whom such copies shall be delivered or sent, to examine the same with the originals; and in case such copies shall not be sent, &c. or the person, &c. holding the original instruments shall refuse to suffer such copies to be examined therewith according to the directions in this act, it shall be lawful for the person, &c. by whom the annuity, &c. is payable, to take out a summons from

s. 4.
Names of parties beneficially interested to be stated.

s. 5.
Copies of deeds, &c. securing annuities to be furnished to grantor, he giving 21 days' notice in writing.

What payment for such copies.

any

*If copy refused,
&c. judge of
K. B. or B.
may order the
production of
deed, &c.*

s. 6.

*What fraudu-
lent practices
will ground an
application to
have proceed-
ings stayed in
action, &c. to
enforce payment
of annuity.*

any of the justices of the king's bench and common pleas, requiring the person, &c. neglecting to send, &c. such copies, or refusing to suffer the same to be so examined with the original instrument, to appear before such judge, and shew cause in the premises; and it shall be lawful for the judge before whom such person, &c. shall be summoned, to make such order in the premises, as to such judge shall seem meet. By s. 6. if any part of the consideration for such annuity, &c. shall be returned to the person advancing the same, or in case such consideration, or any part of it, shall be paid in notes, if any of the notes, with the privity and consent of the person advancing the same, shall not be paid when due, or shall be cancelled or destroyed without being first paid; or if such consideration is expressed to be paid in money, but the same or any part of it shall be paid in goods; or if the consideration or any part of it shall be retained, on pretence of answering the future payments of the annuity, &c. or any other pretence; in all the aforesaid cases, it shall be lawful for the person by whom the annuity, &c. is made payable, or whose property is liable to be charged or affected thereby, to apply to the court in which any action shall be brought for payment of the annuity, &c. or judgment entered by motion, to stay proceedings on the action or judgment; and if it shall appear to the court that such practices as aforesaid, or any of them, have been used, it shall be lawful for the court to order every deed, &c. whereby the annuity, &c. is secured, to be cancelled, and the judgment, if any has been entered, to be vacated. By s. 7. a particular book

s. 7.

*Particular book
kept by clerk of
inrolments.*

shall be provided and kept by the clerks of inrolments in chancery, or their deputy, in which such particulars as herein-before mentioned shall be entered alphabetically, by the names of the grantors, in order of time as the same shall be brought to the office; and the said clerks of the inrolments, or their deputy, shall specify in the book the certain day, hour, and time, on which such particulars are brought to the office, and shall grant a certificate of the entry thereof when required; and there shall be paid for every such entry 20s. and the fee of 1s. for every certificate and copy given, and the fee of 1s. for every search

in

in the office, and no more. By s. 8. all contracts for the purchase of any annuity, &c. with any person being under the age of 21 years, shall be void, any attempt to confirm the same after such person shall have attained that age notwithstanding; and if any person shall, either in person, by letter, agent, or otherwise howsoever, procure, engage, solicit or ask any person, being under that age, to grant or attempt to grant any annuity, &c. or to execute any bond, deed or instrument, for securing the same, or shall advance, or procure or treat for any money to be advanced, to any person under that age; or shall induce, solicit, or procure any infant, upon any treaty or transaction for money advanced or to be advanced, to make oath, or to give his word of honour or solemn promise, that he will not plead infancy, or make any other defence against the demand of any such annuity, &c. or the repayment of the money advanced to him, when under age, or that when he comes of age he will confirm or ratify, or in any way substantiate such annuity, &c. every such person shall be guilty of a misdemeanor, and being thereof convicted in any court of assize, oyer and terminer, &c. shall be punished by fine, imprisonment, or other corporal punishment, as the court shall think fit to award. And by s. 9. every solicitor, scrivener, and broker, who shall, after the passing of this act, ask, demand, accept or receive, directly or indirectly, any sum of money, or other gratuity or reward, for the soliciting or procuring the loan, and for the brokerage of any money that shall be actually and *bona fide* advanced and paid as the price or consideration of any such annuity, &c. above the sum of 10s. for every £100 so advanced, &c. shall be deemed guilty of a misdemeanor, and being convicted in any court of assize, &c. shall be punished by fine and imprisonment, or one of them, at the discretion of the court; and the person who shall have given any sum of money, gratuity, &c. shall be a competent witness to prove the same. By s. 10. this act shall not extend to Scotland or Ireland, nor to any annuity, &c. given by will or marriage settlement, or for the advancement of a child, nor to any annuity secured upon any freehold or copyhold

s. 8.

Contracts for purchase of annuities with persons under age, void.

Procuring infants to swear or promise to grant, &c. annuity after arriving at full age, how punishable.

s. 9.

Brokers taking more than 10s. for each £100 of consideration money, how punished.

s. 10.

Act not to extend to Scotland or Ireland; and certain annuities excepted.

copyhold or customary lands, in Great Britain or Ireland, or in any of his majesty's possessions beyond the seas, of equal or greater annual value than the said annuity, over and above any other annuity, and the interest of any principal sum charged or secured thereon, of which the grantee had notice at the time of the grant, whereof the grantor is seised in fee simple or fee tail in possession, or the fee simple whereof in possession the grantor is enabled to charge at the time of the grant, or secured by the actual transfer of stock in any of the public funds, the dividends whereof are of equal or greater annual value than the said annuity, nor to any voluntary annuity granted without regard to pecuniary consideration or money's worth; nor to any annuity, &c. granted by any body corporate, or under any authority or trust created by act of parliament.

Of Title by Bankruptcy.

Members of the house of commons declared bankrupt, incapable of sitting or voting for 12 months, unless commission superseded or debts satisfied.

52 Geo. 3. c. 144. U. K.

P. 620. l. 27. The 52 Geo. 3. c. 144. U. K. has followed the 19 & 20 Geo. 3. c. 25. s. 9. Ir. in providing, that whenever a commission of bankruptcy shall issue against any member of the house of commons, and he shall be found and declared a bankrupt, such member shall remain, during 12 calendar months from the issuing thereof, incapable of sitting and voting in the house of commons, unless within said period the said commission shall be superseded, or the creditors of such member shall be satisfied to the full amount of their debts proved under the said commission: Provided that such of the debts as shall be disputed by such bankrupt shall be considered satisfied, if he shall, within the time aforesaid, enter into a bond or bonds in such sum or sums, with 2 sufficient securities to be approved by the commissioners, to pay such sum or sums as shall be recovered in law or equity,

equity, concerning such debts, together with the costs. And by s. 2. if the commission shall not, within 12 calendar months from the issuing thereof, be superseded, nor the debts satisfied in manner aforesaid, then the commissioners shall, immediately after the expiration of the 12 calendar months, certify the same to the speaker of the house of commons, and thereupon the election of such member shall be void; and the speaker shall, during any recess of the house whether by prorogation or adjournment, forthwith after receiving such certificate, cause notice thereof to be inserted in the London gazette, and upon the expiration of 14 days after the day of so inserting such notice, issue his warrant to the clerk of the crown, to make out a new writ for electing another member: Provided that nothing herein shall enable the speaker to issue his warrant for the purposes aforesaid, unless such certificate shall have been delivered to him so long before the then next meeting of the house of commons for dispatch of business, as that the writ for the election may be issued before the day of such next meeting of the house of commons. And by s. 3. the powers contained in the 24 Geo. 3. st. 2. c. 26. Eng. (*vide* vol. 1. p. 67.) so far as such powers enable the speaker to appoint other persons, being members of the house of commons, to issue warrants for the making out of new writs during the vacancy of the office of speaker, or during his absence out of the realm, are hereby made in force for the purpose of enabling him to make the like appointment for issuing warrants, under the like circumstances and conditions, for the election of members in the room of such whose seats shall become vacant under the provisions of this act.

P. 641. last line. The 56 Geo. 3. c. 137. E. recites the clause of the 1 Jac. 1. c. 15. Eng. * which provides that

Delivery of goods, &c.

no

* It seems to be an oversight in the framer of this act, to have omitted reciting the 11 & 12 Geo. 3. c. 8. Ir. which contains a clause similar to that of the 1 Jac. 1. c. 15. here recited: and indeed it is also observable that the 49 Geo. 3. c. 121. E. & I. (commonly called Romilly's act) by reciting only (in sections 3 & 4) the 5 Geo. 2. c. 30. Eng. without reference to the corresponding clauses of the 11 & 12 Geo. 3. c. 8. has suggested a doubt whether these clauses sections 3 & 4 of the 49 Geo. 3. c. 121 were meant to extend to Ireland,

bona fide to bank-
rupts, without
knowledge of
bankruptcy, va-
lid in like man-
ner as bona fide
payments.

56 Geo.3, c.137.
E.

s. 2.

Persons, &c.
deemed to have
notice of bank-
ruptcy, if those
acting on their
behalf had.

no debtor of a bankrupt shall be endangered for the pay-
ment of his debt *bona fide* to any bankrupt, before such
time as he should know that he was become bankrupt;
and enacts, that no person or body corporate, joint stock
or other company, having in his or their possession or cus-
tody any goods, wares, merchandizes, or effects, belonging
to any person who shall be or become bankrupt, shall be
endangered by reason of the delivery of such goods, &c.
truly and *bona fide*, to such person or to his order, before
such time as the person, &c. having such goods, &c. in his
or their possession, &c. shall understand or know that
the person to whom such goods, &c. do or shall belong,
is become bankrupt. Provided (s. 2.) that in all cases in
which it shall be proved that the person acting on behalf
of any body corporate, joint stock or company, in the
paying or causing the payment of any debt, or in the de-
livering or causing the delivery of any goods, &c. to any
person, understood or knew that the person or persons, or
any of them, to whom such debt was paid, or goods deli-
vered, was or were or had become bankrupt, such body
corporate, &c. shall be deemed to have understood and
known the same.

OF THE
Redress of Private Wrongs

BY THE
MERE ACT OF THE PARTIES.

ADDENDA II.—VOLUME II.

P. 2. l. 31. The 56 Geo. 3. c. 88. s. 15. I. recites the clause of the 11 Geo. 2. c. 19. s. 8. Eng. here stated, and that it is reasonable that the remedies of landlords in Ireland should in this respect be as extensive as they are in England; and therefore enacts, that after the 1st. July, 1816, it shall be lawful for every lessor or landlord in Ireland, or his steward, bailiff, receiver, or other person empowered by him, to take and seize as a distress for arrears of rent, all sorts of corn and grass, hops, roots, fruit, pulse, or other product, which shall be growing on any part of the estates so demised or holden; and the same to cut, gather, make, cure, carry and lay up, when ripe, in the barns or other proper places on said premises; and in case there shall be no barn or proper place on said premises, then in any other barn or proper place, which such lessor, &c. shall hire or otherwise procure for that purpose, and as near as may be to the premises, and dispose of the same towards satisfaction of the rent for which such distress shall have been taken, and of the charges of such distress and sale, in the same manner as any other goods distrained for non-payment of rent. And on the other hand, this statute for securing the occupying tenant against being called upon for payment more than once of the rent reserved, provides (s. 16.) that in all cases where the entire rent due and payable from the occupying tenant

Landlords empowered to seize corn, &c. growing, as a distress for rent.

56 Geo 3. c. 88. s. 15. I.

s. 16.

Remedy for occupying tenant to

to recover costs and damages against immediate landlord by whose default he is compelled to pay rent due to superior landlord,

Such costs on damages deducted out of accruing rent.

s. 17.

Tenant so aggrieved may recover £10. per cent. of the rent distrained for, (in addition to money actually paid,) exclusive of any further special damages.

to his immediate landlord or lessor, shall have been paid, or in any manner satisfied, if, in consequence of the fraud, malfeasance, or neglect of such landlord to pay and satisfy the rent due to any superior landlord, the lands in the hands of such occupying tenant shall be distrained for any such rent, then it shall be lawful for such occupying tenant to proceed against such his immediate landlord, (through whose default he shall have been so distrained or compelled to pay any sum of money to such superior landlord, to avoid a distress,) to recover the amount of costs and damages by him sustained thereby, by civil bill before the recorder of the city of Dublin, if the lands shall be in the county of the said city, or the chairman of the sessions of the peace for the county of Dublin, if the lands shall be in said county, or before the assistant barrister at the quarter sessions of any other county where such lands shall be, in all cases where the same shall not exceed £50.; and the amount of such costs and damages, when ascertained by the decree of such recorder, &c. or ascertained by the judgment of any superior court, upon any action which may be brought for that purpose, may be tendered by the occupying tenant, or his representatives, in payment of so much of the subsequently accruing rent as shall thereafter become due to such his immediate landlord, and shall be accepted by such landlord in payment of the same, or shall be recovered by process of execution, as the said occupying tenant shall deem most advisable. And by s. 17. if on such trial by civil bill before the assistant barrister, &c. the complainant shall prove the facts of payment of rent by distress or otherwise to his immediate landlord, and of the subsequent seizure of his goods or stock under distress by a superior landlord, on his being compelled to pay any sum of money in or towards satisfaction of rent due to such superior landlord to avoid any such distress, he shall be entitled to recover in damages, and shall so recover (upon such proof made of the facts herein-before mentioned, without any other proof of damages sustained,) £10. in the £100. of the rent reserved and distrained for, in addition to the whole sum he shall have paid under such distress

distress to the superior landlord, but shall not be precluded from entering upon proof of other more aggravated or special damage sustained, if he shall prefer such mode of proceeding for recovery of adequate compensation. Provided (s. 18.) that if any tenement within the provisions of this act, shall be situate in the whole or in part within the county of any city or town which is a county of itself, except the county of the city of Dublin, the assistant barrister of the county at large, having jurisdiction for other purposes within such county of a city, &c. and the justices of the peace for such county at large, shall have the same jurisdiction with respect to such tenement, as if the same had been situate in the county at large.

s. 18.

Assistant barrister and justices of counties to have jurisdiction under this act, in counties of cities or towns, except Dublin.

P. 5. l. 33. The 57 Geo. 3. c. 93. E. & W. recites, that divers persons acting as brokers, and distraining on the goods and chattels of others, or employed in the cause of such distresses, have of late made excessive charges, to the great oppression of poor tenants and others; and therefore enacts, that no person making any distress for rent, where the sum demanded and due shall not exceed £20. in respect of such rent, nor any person employed in making such distress, or doing any act in the course of such distress, or for carrying the same into effect, shall have, take, or receive, out of the goods or chattels distrained upon and sold, or from the tenant distrained on, or from the landlord or other person, any more costs and charges in respect of such distress, than such as are set forth in the schedule hereunto annexed, and appropriated to each act done in the course of such distress; and no person shall make any charge for any matter mentioned in the schedule, unless such act shall have been really done. And by s. 2. if any person shall in any manner levy, take, or receive from any person, or retain or take from the produce of any goods sold for the payment of such rent, any other or greater costs and charges than are set down in said schedule, or make any charge for any thing mentioned in the schedule, and not really done, the party aggrieved may apply to any justice of peace for the county, city, or town, and acting for the division where

Where distress made for rent due, not exceeding £20., costs and charges limited as in schedule hereto. 57 Geo. 3. c. 93. E. & W.

s. 2.

Treble damages and full costs to be awarded in case of extortion, upon conviction before a justice of peace of the county, &c.

How levied or enforced.

s. 3.

Justices empowered to summon and examine witnesses, and enforce obedience.

s. 4.

Justice may award 20s. for costs, to the party complained against, if complaint unfounded.

such distress shall have been made, or in any manner proceeded in, for redress; whereupon such justice shall summon the person so complained of to appear before him, at a reasonable time to be fixed in such summons; and such justice shall examine into the complaint by all legal ways, and hear the defence; and if it shall appear that the person complained of shall have levied, &c. other and greater costs and charges than are mentioned in the schedule, or made any charge for any thing therein mentioned, such matter, &c. not having been really done, such justice shall adjudge treble the amount of the monies so unlawfully taken, to be paid by such person to the party preferring such complaint, together with full costs; and in case of non-payment of any monies or costs so ordered to be paid, such justice shall forthwith issue his warrant to levy the same by distress and sale of the goods, &c. of the party ordered to pay the same, rendering the overplus, (if any) to the owner after the payment of the charges of such distress and sale; and in case no sufficient distress can be had, such justice shall, by warrant under his hand, commit such party to the common gaol within his jurisdiction, until such order or judgment shall be satisfied. And by s. 3. it shall be lawful for such justice, at the request of the party complaining or complained against, to summon all persons as witnesses, and to administer an oath to them, touching the matter of such complaint or defence; and if any person shall not obey such summons, without reasonable or lawful excuse, or refuse to be examined upon oath, (or, if a quaker, upon solemn affirmation,) he shall forfeit a sum not exceeding 40s. to be ordered, levied and paid in such manner, and by such means, and with such power of commitment, as is hereinbefore directed, as to such order and judgment to be given between the parties in the original complaint, except so far as regards the form of the order herein-after provided for. But by s. 4. it shall be lawful for such justice, if he shall find that the complaint of the party or parties aggrieved is not well founded, to order and adjudge costs not exceeding 20s. to be paid to the party or parties complained against, which order shall be carried into effect, and

and levied and paid, in such manner, and with like power of commitment, as herein-before directed as to the order, &c. on such original complaint: provided that nothing herein shall empower such justice to make any order, &c. against the landlord for whose benefit any such distress shall have been made, unless such landlord shall have personally levied such distress; and provided that no person who shall be aggrieved by any distress for rent, or by any proceeding had in the course thereof, or by any costs and charges levied upon him in respect of the same, shall be barred from any legal or other suit or remedy which he might have had before the passing of this act, except so far as any complaint to be preferred by virtue of this act shall have been determined by order of the justice before whom it shall have been heard; and which order, &c. may be given in evidence, under the plea of the general issue, in all cases where the matter of such complaint shall be made the subject of any action. By s. 5. such orders on such complaints shall be made in the form in the schedule hereunto annexed, and may be proved before any court by proof of the signature of the justice to such order, &c.; and such orders as regard persons who may have been summoned as witnesses, shall be made in such form as to such justice shall seem fit. By s. 6. every broker or other person who shall make and levy any distress, shall give a copy of his charges, and of all the costs and charges of any distress whatsoever, signed by him, to the person on whose goods, &c. any distress shall be levied, although the amount of the rent demanded shall exceed the sum of £20. By s. 7. a fair printed copy of this act shall be hung up, in some convenient place, in such halls or rooms where the justices of every county in England and Wales shall hold either their quarter or other sessions.

Schedule referred to in this act.

Form of the order and judgment of the justice before whom complaint is preferred, where the order and judgment is for the complainant.

In the matter of the complaint of *A. B.* against *C. D.* for a breach of the provisions of an act of the 57th year of his majesty

Landlord not prejudiced unless he personally acts.

Saving for other remedies to party aggrieved, unless complaint preferred under this act.

s. 5.

Orders of justices to be in the forms prescribed by schedule hereto.

s. 6.

Brokers, &c. levying distress to give copies of their charges, though rent demanded exceed £20.

s. 7.

Printed copy of this act to be hung up in sessions houses of England and Wales.

Form of order where judgment for complainant.

majesty king George the third, intituled "an act to regulate the costs of distresses levied for payment of small rents" I *E. F.* a justice of the peace for the county of and acting within the division of do order and adjudge that the said *C. D.* shall pay to *A. B.* the sum of as a compensation and satisfaction for unlawful charges and costs levied and taken from the said *A. B.* under a distress for rent; and the further sum of for costs on this complaint. (Signed.) *E. F.*

*Form of order
where complaint
dismissed.*

Form of the order and judgment of the justice, where he dismisses the complaint as unfounded, and with or without costs, as the case may be.

In the matter of the complaint of *A. B.* against *C. D.* for the breach of the provisions of an act of the 57th year of his majesty king George the third, intituled an act, &c. (*ut supra.*) I *E. F.* a justice of the peace for the county of and acting within the division of do order and adjudge that the complaint of the said *A. B.* is unfounded; (*if costs are given*) and I do further order and adjudge, that the said *A. B.* shall pay unto the said *C. D.* the sum of for costs. (Signed.) *E. F.*

*Schedule of costs
and charges.*

Schedule of the limitation of costs and charges on distresses for small rents.

Levying distress, - - - £0 3s. 0d.

Man in possession *per day*, - - - 0 2 6

Appraisement whether by one broker or more,
six-pence in the pound on the value of the
goods, - - - -

Stamp, the lawful amount thereof, - - -

All expences of advertisements, if any such, 0 10 0

Catalogues, sale and commission, and delivery
of goods, one shilling in the pound on the
net produce of the sale.

Of the Courts of Common Law and Equity.

*Lord chief baron
(or baron, in*

P. 38. l. 15. To facilitate the hearing and determining of suits in equity, in his majesty's court of exchequer, at Westminster,

Westminster, the 57 Geo. 3. c. 18. E. provides, that the lord chief baron of said court for the time being shall have power to hear and determine all causes, matters, and things which shall be at any time depending in said court, as a court of equity; and if he shall by sickness, or other unavoidable cause, be prevented from sitting for the purposes aforesaid, then it shall be lawful for the king to appoint, from time to time, by warrant under the royal sign manual, revocable at pleasure, any one other of the barons of the degree of the coif of said court, to hear, &c. such causes, &c. And by s. 2. the said chief baron, or other baron so appointed, shall sit at such times as the said chief baron and such baron shall, respectively, (with regard to matters to be heard before them respectively,) appoint, and whether the rest of the barons shall be sitting or not; and all decrees, orders, and acts of the said chief baron, or of such baron, shall be deemed the decrees, &c. of said court of exchequer; subject only to be reversed, discharged, or altered by the house of lords, upon appeal thereto, and as herein-after mentioned. Provided (s. 3.)

case of sickness, &c. of chief baron, may alone hear equity causes, &c. depending in the exchequer.

57 Geo. 3. c. 18. E.

s. 2.

Chief baron may appoint time for sitting.

His decrees, &c. reversed only by house of lords.

s. 3.

Chief baron, &c. may rehear such causes, &c.

P. 39. l. 5. The 53 Geo. 3. c. 24. E. recites, that the number of appeals and writs of error in parliament, has of late years greatly increased, and that it has become necessary that a larger proportion of time should be allotted for hearing and determining such appeals, &c. than has usually been employed for that purpose; and therefore enacts, that it shall be lawful for the king to nominate and appoint, from time to time, by letters patent under the great seal of the united kingdom, a fit person, being a barrister at law of 15 years standing at the least, to be an additional judge assistant to the lord high chancellor, lord keeper, or lords commissioners for the custody of the great seal

King may appoint a vice chancellor, to hold during good behaviour.

53 Geo. 3. c. 24. E.

- seal of the united kingdom, in the discharge of the judicial functions of their respective offices, to be called "Vice Chancellor of England;" to hold such office during good behaviour. And by s. 2. such vice chancellor shall have power to hear and determine all causes, matters and things, which shall be at any time depending in the court of chancery of England, either as a court of law, or as a court of equity, or incident to any ministerial office of the said court, or which have been or shall be submitted to the jurisdiction of said court, or of the lord chancellor, &c. for the time being, by the special authority of any act of parliament, as the lord chancellor, &c. shall from time to time direct; and all decrees, orders, and acts of such vice chancellor, so made or done, shall be deemed to be the decrees of the said court of chancery, &c. and be executed accordingly; subject nevertheless to be reversed, discharged or altered by the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal for the time being; and no such decree or order shall be inrolled, until the same shall be signed by the lord chancellor, &c. for the time being: provided that such vice chancellor shall have no power to discharge, reverse, or alter any decree, order, act, &c. made or done by any lord chancellor, &c. unless authorized by the lord chancellor, &c. for the time being so to do; nor to discharge, &c. any decree, &c. of the master of the rolls. And by s. 3. such vice chancellor shall sit for the lord chancellor, lord keeper, or lords commissioners, &c. whenever they shall respectively require him so to do; and shall also at such other times as the lord chancellor, &c. shall direct, sit in a separate court, whether the lord chancellor, &c. or the master of the rolls, shall be sitting or not; for which purpose the said lord chancellor, &c. shall make such order as to them respectively shall appear to be proper. And by s. 4. such vice chancellor shall have rank and precedence next to the master of the rolls. By s. 5. it shall be lawful for the king, by such letters patent as aforesaid, or any other letters patent under the great seal of the united kingdom, to direct that such vice chancellor shall have a secretary, trainbearer, and usher; and that the secretaries
- s. 2.
Vice chancellor to hear causes, &c. referred to him by lord chancellor.
- His decrees, &c. subject to be reversed by chancellor.*
- Vice chancellor not to reverse, &c. decrees, &c. of chancellor or master of the rolls.*
- s. 3.
Vice chancellor to sit for chancellor, or in a separate court, as directed by chancellor.
- s. 4.
To rank after master of the rolls.
- s. 5.
Officers to attend vice chancellor.

secretaries, and deputy registers and other officers appointed to attend the lord chancellor, &c. shall attend such vice chancellor when sitting for the lord chancellor, &c. and also when sitting in his separate court, as circumstances shall require, and as the said lord chancellor, &c. shall direct. Provided that it shall be lawful for the king to remove any such vice chancellor from his office, upon an address of both houses of parliament. By s. 7. said vice chancellor, previous to his executing any of the duties of his office, shall take the following oath, which the lord chancellor, &c. or the master of the rolls, shall administer: "I do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my skill and power execute, the office of vice chancellor of England. So help me God." And this act (s. 8. to 13.) provides salaries for the vice chancellor, and said other officers, out of the common and general cash belonging to the suitors of the court of chancery, lying dead and unemployed in the bank of England.

Vice chancellor removable upon address of both houses of parliament.

s. 7.

Oath of vice chancellor.

s. 8. to 13.

Salaries provided for vice chancellor, &c.

P. 50. l. 4. The 53 Geo. 3. c. 131. I. contains several provisions relative to the raising of money at any assizes, or presenting term, for enlarging or altering court houses and sessions houses in Ireland, or for building new court houses or sessions houses in lieu thereof, or for such repairs therein as may be necessary: And by s. 8. of this act, as amended by the 55 Geo. 3. c. 89. I. any court house in Ireland, whether erected according to the provisions of the 53 Geo. 3. c. 131. I. or not, which is or shall be built for any county at large within a county of a city or county of a town within which the assizes, or the commission of *oyer and terminer*, of or for such county at large, shall have been usually held, shall, with their appurtenances, be deemed part and parcel of the county at large for which the same shall have been built. But this latter act provides, that whenever such tenement shall cease to be a court-house of such county, whether by reason of the building of a new court-house, or otherwise, then such house, and the scite and appurtenances thereof, shall be deemed to be part and parcel of the county of a city, or county of a town, within which the same shall be so situated.

Money presented at assizes, &c. for building, &c. court houses.

53 Geo. 3. c. 131.

I.

s. 8.

(55 Geo. 3 c. 89.

I.)

County court house, &c. built within a county of a city, &c. deemed part of county at large.

Proviso as to tenement ceasing to be a county court house.

P. 56.

Of Courts Ecclesiastical, Military and Maritime.

Proctors permitting others to use their name, or practising for profit of others, struck off the roll, &c. 53 Geo. 3. c. 127. s. 8. E.

Proviso.

s. 9. Penalty for practising as proctors, if not duly admitted and inrolled.

P. 56. l. 35. The 53 Geo. 3. c. 127. E. provides (s. 8.) that if any proctor of the [*arches court of Canterbury, or any other ecclesiastical court] in which he shall be entitled to act as proctor, shall act as such, or permit his name to be in any manner used in any suit, the prosecution or defence whereof shall appertain to the office of a proctor, or in obtaining probates of wills, letters of administration, or marriage licenses, to or for, or on account or for the profit and benefit of any person or persons not entitled to act as a proctor, or shall suffer any such person or persons to demand or participate in such profit, &c. and complaint thereof shall be made to the court or courts wherein such proctor hath been admitted and inrolled, and proof given to the satisfaction of said court, &c. that such proctor hath offended therein as aforesaid, then such proctor shall be struck off the roll of proctors, and be for ever disabled from practising as a proctor, or be suspended from the office, &c. of a proctor, in every such court, so long as the judge or judges thereof may deem fit; save as to any allowances or sums of money that shall be agreed to be made to the widows or children of any deceased proctors, by any surviving partners; and save as to any agreement made, or understood to have been made, between proctors and articulated clerks, whose articles have been executed prior to the passing of this act, (†12th July 1813.) And by s. 9. in case any person shall, in his own name, or in the name of any other person or persons, make, do, act, exercise or perform any act, &c. belonging to the office, &c. of a proctor,

* "Court of prerogative in Ireland, or of the consistorial and metropolitical courts of Armagh and Dublin, or of any other ecclesiastical court in Ireland," in 54 Geo. 3. c. 68. s. 9. 1.

† The corresponding clause in the 54 Geo. 3. c. 68. l. relates to the 17th June, 1814.

tor, in consideration of any gain, fee or reward, or with a view to participate in the benefit to be derived from the office, &c. of a proctor, without being admitted and inrolled, he shall, for every such offence, forfeit £50, to be recovered as herein-after mentioned: Provided (s. 10.)

s. 10.

that nothing herein shall extend to any salary which shall be agreed to be paid by a proctor, his partner or successor, to a clerk really and *bona fide* serving in his office at the time of the passing of this act, and who shall have been *bona fide* serving in the office of any proctor for 7 years next before the passing of the same. By s. 11. all

Proviso as to clerks who have served 7 years.

s. 11.

penalties for offences against this act, shall and may be sued for and recovered in any [*court of record at Westminster,] by action of debt, &c. wherein, &c. and wherein the plaintiff, if he shall recover any penalty, shall receive the same to his own use, with full costs of suit. The 54 Geo. 3. c. 68. I. contains, with respect to Ireland corresponding clauses, with such variation only as is noted in the margin.

Penalties how recovered.

54 Geo. 3. c. 68.

I.

Corresponding act.

P. 58. last line. The 56 Geo. 3. c. 82. U. K. recites, that it is requisite that due validity should be given to the judicial acts of surrogates who have executed the offices of judges in the courts of vice admiralty established in his majesty's plantations and colonies, during vacancies occasioned by the deaths or resignation, or other removals of said judges, or who shall hereafter execute the same during such vacation; and therefore enacts, that all judicial acts of surrogates having been appointed to act as judges during such vacancies, either by judges of said courts previously to their removal, or, in default of such appointment, by the governors of such plantations, &c. shall have the same validity, and be subject to the same course of appeal, as if the said acts had been done by the authority of judges regularly appointed by the lords commissioners of the admiralty.

Judicial acts of surrogates in admiralty courts in colonies valid, though not appointed by lords commissioners.

56 Geo. 3. c. 82.

U. K.

P. 64.

* "In any of his majesty's four courts in the city of Dublin" in the 54 Geo. 3. c. 68. s. 12. I.

Of Courts of a Special Jurisdiction.

*Lord lieutenant
&c. may alter or
annul the divi-
sions of coun-
ties, or appoint-
ment of towns
under 36 Geo. 3.
c. 25. for
hearing civil
bills, &c.
54 Geo. 3. c. 131.
s. 20. I.*

P. 64. l. 9. The 54 Geo. 3. c. 131 s. 20. I. recites the 36 Geo. 3. c. 25. s. 1. Ir. and that doubts had been entertained whether after any county shall have been divided under the provisions of said act, or any town appointed for the purpose of hearing and determining of civil bills at some general sessions or quarter sessions, or some adjournment thereof, such division or appointment can be changed; and therefore enacts, that it shall be lawful for the lord lieutenant, &c. with the advice of the privy council of Ireland, from time to time, to alter or annul any such division heretofore made or hereafter to be made, of any county under the 36 Geo. 3. c. 25., and to substitute and appoint any new or other division thereof into two parts, for the purposes in said recited acts mentioned; and also to change or annul the appointment of any town or towns in any county or division, for any of the purposes aforesaid, and to appoint such other town or towns in lieu thereof, as shall seem proper; and any such change which may have taken place before the passing of this act, shall be deemed valid.

*Civil bill may
be brought in
cases of assault,
where damages
demanded do
not exceed 5
guineas.*

*54 Geo. 3. c. 181.
s. 1. I.*

P. 65. l. 33. To render more easy and effectual redress for assaults in Ireland, the 54 Geo. 3. c. 181. I. provides, that in all cases in which, as the law now stands, an action may be brought in any of his majesty's superior courts in Dublin, for any assault, whether with battery and wounding, or either of them, or not, if the plaintiff shall think proper to lay the damages at the sum of five guineas, or any less sum, then it shall be lawful for such plaintiff to proceed for the recovery of such damages by civil bill, before the assistant barrister at the quarter sessions for the county where the fact shall be committed, or other judge or court having jurisdiction to try civil bills, and within whose jurisdiction the fact shall have been committed, save and except manor courts; and the same shall be proceeded

*Like proceed-
ings as in civil
bills for other
demands.*

ceeded on in like manner in all respects, as in case of any other demand, to the same amount, in such courts. And by s. 2. the judgment or decree on such civil bill, or on any appeal, may be pleaded, or otherwise relied on, as a bar to any other proceeding for or by reason of such assault, or any consequence arising therefrom, in the same manner, as a judgment to the same effect in any of said superior courts, and no further. And the following clauses of this statute, though perhaps more properly referrible to the head of "judgment and its consequences," (see Digest, vol. II. 1240.) may be here stated. By s. 3. whenever any person shall be convicted in Ireland, on any indictment for an assault, whether with or without battery and wounding, or either of them, the judge, &c. before whom conviction shall be had, in addition to the judgment which he shall think properly adapted to such offence, shall, if he shall think fit, order and adjudge that the amount of the costs and expenses of the prosecution, and such allowance for the loss of time of the person in attending thereon, as shall be deemed reasonable, (to be ascertained by affidavit, or by such inquiry or examination as said judge, &c. shall think fit,) be paid by the defendant to the prosecutor; and such judge shall in such cause, also order, &c. that such defendant be imprisoned for any time not exceeding 6 calendar months, unless such sum be sooner paid, independent of such imprisonment, if any, as such court shall award. Provided (s. 4.) that any sum so ordered, &c. for costs, &c. shall not exceed the actual and necessary expenses of such proper action, and a moderate compensation for the loss of time of the prosecutor, having regard to the circumstances of the prosecution; and such judge, &c. may, by warrant under hand and seal, order such sum to be levied by distress, &c.; and if so levied such defendant shall be discharged from any additional imprisonment. By s. 5. (as amended by the 55 Geo. 3. c. 88. I.) where it shall appear that any such defendant has not any goods or chattles on which such sum can be levied for costs and expenses, it shall be lawful for the grand jury, at every assizes and presenting term, to make a presentment for levying such sum so ordered, &c. at the assizes

s. 2.
Decrees on such civil bills pleaded, &c. in bar of other proceedings.

s. 3.
Upon conviction for assaults, judges may award costs, &c. to prosecutors.

s. 4.
Such costs, &c. how admeasured.

s. 5.
(55 Geo. 3. c. 88. I.)
Grand juries empowered to present costs, &c. to be levied upon barony or parish where at assault commit-

*ed, if defendant
is not able to
pay them.*

at which such trial shall be had, * [or any sum or sums which, at a ny time subsequent to the first day of the then immediate preceding assizes for such county, shall or may, at any sessions of the peace held in and for such county, or in and for any district or place within such county, have been ordered or adjudged to be paid for costs, &c. by any defendant who shall not appear to have goods, &c. as aforesaid,] and to be paid from off the barony or parish in which such assault shall have been committed: and the same shall be levied in like manner as any other sums presented by any grand jury, and shall be paid to the prosecutor, by the treasurer of the county within which such barony, &c. shall be situate; and the defendant shall, in such case, undergo the full term of imprisonment to which such defendant shall have been sentenced for non-payment of costs, &c. And provided (s. 6.) that nothing herein shall prevent any such prosecutor from being a competent witness on the trial of any such indictment.

s. 6.

*Prosecutors
competent
witnesses.*

Of the Cognizance of Private Wrongs.

*Sufficient for
one justice to
sign summons
upon complaints
against quakers
respecting
tithes, &c.*

53 Geo. 3. c. 127.

s. 6. E.

*54 Geo. 3. c. 68.
I.*

*In Ireland also
one justice may
sign summons;
and jurisdiction
extended to £50,*

P. 82. l. 4. The 53 Geo. 3. c. 127. s. 6. E. recites the 7 & 8 W. 3. c. 34. s. 4. Eng. and 1 Geo. 1. st. 2. c. 6. s. 2. Eng. and provides, that one justice of the peace shall be competent to receive the original complaint, (against any quaker refusing to pay or compound for his great or small tithes, or to pay any church rates,) and to summon the parties to appear before two or more justices of the peace as in the 7 & 8 W. 3. c. 34. is set forth. And the 54 Geo. 3. c. 68. I. also recites the 7 Geo. 3. c. 21. Ir. (made perpetual by the 11 & 12 Geo. 3. c. 10. Ir.) and enacts, that the provisions of the 7 Geo. 3. c. 21. touching quakers, shall extend to any value not exceeding £50; and that one justice of the peace shall be competent to receive the original complaint, and to summon the par-

* This clause within the crotchets, is the amendment of the 55 Geo. 3. c. 88. I.

ties to appear before two or more justices, as in the 7 Geo. 3. c. 21. is set forth.

P. 84. l. 18. The 53 Geo. 3. c. 127. s. 4. E. & W. *Jurisdiction of justices of peace in respect to small tithes extended to £10.* recites [*the 7 & 8 W. 3. c. 6. Eng.] and amends it by providing, that the justices of peace (whose jurisdiction was limited to 40s. by that act) shall, after the passing of this act, (12 July, 1813) be authorized and required to hear and determine all complaints touching tithes, oblations and compositions substracted or withheld, where the same shall not exceed £10 in amount from any one person, in all such cases and by all such means, and subject to all such provisions and remedies, by appeal or otherwise, as contained in the said act [*of king William,] touching small tithes, &c. not exceeding 40s.: Provided also that one justice of the peace shall be competent to receive the original complaint, and to summon the parties to appear before two or more justices of the peace, as [*in the 7 & 8 W. 3.] is set forth. And by s. 5. no action shall be brought for the recovery of any penalty for the not setting tithes, nor any suit instituted in any court of equity, or in any ecclesiastical court, to recover the value of any tithes, unless such action shall be brought or such suit commenced within 6 years from the time when such tithes became due. The 54 Geo. 3. c. 68. I. contains the same provisions with respect to the recovery of tithes and other ecclesiastical dues of small value in Ireland, save that this latter act refers to the 1 Geo. 2. c. 12. Ir. instead of the 7 & 8 W. 3. c. 6. Eng. And the 54 Geo. 3. c. 68. I. also recites the 7 Geo. 3. c. 21. Ir. *Sufficient for one justice to sign summons.* s. 5. *Suits for tithes to be brought within 6 years.* 54 Geo. 3. c. 68. I. *Corresponding act.*

P. 92. l. 22. The 53 Geo. 3. c. 127. E. provides, that excommunication, together with all proceedings following thereupon, shall, in all cases, save those hereafter to be specified, be discontinued throughout [*England;] and that in all causes which are cognizable in the ecclesiastical courts, when any person having been duly cited to appear in any ecclesiastical court, or required to comply with the lawful orders or decrees, as well final as interlocutory, of any such court, shall neglect or refuse to appear, or neglect, *Process of excommunication abolished, save in certain cases.* 53 Geo. 3. c. 127. E. • "Ireland" in 54 Geo. 3. c. 68.

* The 54 Geo. 3. c. 68. I. refers, here, to the 1 Geo. 2. c. 12. Ir.

In cases of contempt, &c. writ de contumace capiendo substituted for excommunication.

Officers of chancery how to issue this writ; and sheriffs, &c. how to execute it.

Upon judges pronouncing party absolved from contempt, sheriff, &c. to discharge him on payment of costs.

glect, &c. to pay obedience to such orders, &c. or when any person shall commit a contempt in the face of such court, no sentence of excommunication shall be given or pronounced, save in the cases hereafter to be specified; but instead thereof, it shall be lawful for the judges or judge who issued out the citation, or whose lawful orders, &c. have not been obeyed, or before whom such contempt shall have been committed, to pronounce such person contumacious and in contempt, and within 10 days to signify the same in the form to this act annexed, to his majesty in chancery, as hath heretofore been done in signifying excommunications; and thereupon a writ *de contumace capiendo*, in the form to this act annexed, shall issue from the court of chancery, directed to the same persons, and returnable in the same manner, as the writs *de excommunicato capiendo* have heretofore been directed and returnable, and shall have the same force and effect as said writ; and all rules and regulations not hereby altered, now by law applying to the said writ and proceedings thereupon, and particularly the provisions contained in the 5 Eliz. c. 23. Eng. shall be applied to the writ *de contumace capiendo*, and the proceedings following thereupon; and the proper officers in chancery are hereby required to issue such writ *de contumace capiendo* accordingly; and all sheriffs, gaolers, and other officers are required to execute the same, by taking and detaining the body of the person against whom said writ shall be directed to be executed; and upon the due appearance of the party so cited and not having appeared as aforesaid, or the obedience of the party so cited and not having obeyed as aforesaid, or the due submission of the party so having committed a contempt in the face of the court, the judges or judge of such court shall pronounce such party absolved from the contumacy and contempt aforesaid, and shall forthwith make an order upon the sheriff, &c. in whose custody he shall be, in the form to this act annexed, for discharging such party out of custody; and such sheriff, &c. shall, on the said order being shewn to him, so soon as such party shall have discharged the costs lawfully incurred by reason of such

such custody and contempt, forthwith discharge him.

Provided (s. 2.) that nothing in this act shall prevent any ecclesiastical court from pronouncing or declaring persons to be excommunicate in definitive sentences, or in interlocutory decrees having the force of definitive sentences, such sentences or decrees being pronounced as spiritual censures for the offences of ecclesiastical cognizance, in the same manner as such court might have pronounced the same had this act not been passed. And by

s. 2.

Persons disobeying definitive sentences, or interlocutory decrees, may be excommunicated.

by s. 3. no person who shall be so pronounced excommunicate, shall incur any civil penalty or incapacity in consequence of such excommunication, save such imprisonment, not exceeding 6 months, as the court declaring such person excommunicate shall direct, and in such case the said excommunication, and the term of such imprisonment, shall be signified or certified to his majesty in chancery, in the same manner as excommunications have been heretofore signified; and thereupon the writ *de excommunicato capiendo* shall issue, and the usual proceedings shall be had, and the party being taken into custody shall remain therein for the term so directed, or until he shall be absolved by such ecclesiastical court.

s. 3.

No civil penalty, &c. incurred by being excommunicated; but party imprisoned for time not exceeding 6 months.

By s. 12. if any action or suit shall be brought for any thing done in pursuance of this act, such action, &c. shall be commenced within 3 calendar months after the fact committed, and shall be laid and tried in the city or county wherein the cause of action shall have arisen, and not elsewhere; and the defendant shall and may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance of this act; and if the same shall appear to have been so done, or if any action, &c. shall be brought after the time above limited, or shall be laid in any other place than as aforesaid, then the judge shall find for the defendant; and the defendant shall have treble costs upon such verdict, or in case of nonsuit, or discontinuance, or of judgment against plaintiff upon demurrer.

s. 12.

What limitation, pleading, and costs in actions brought for things done in pursuance of this act.

Schedule to which this act refers.

SCHEDULE (A.)

Significavit of
party being
contumacious
and in contempt

To his most excellent majesty and our sovereign lord George the third, by the grace of God of the united kingdom of Great Britain and Ireland king, defender of the faith, by divine providence, &c. health in him by whom kings and princes rule and govern: We hereby notify and signify unto your majesty, that one of in the county of hath been duly pronounced guilty of manifest contumacy and contempt of the law and jurisdiction ecclesiastical, in not [*as the case may be,*] appearing before [*here set out the stile of the ecclesiastical judge, or his representative,*] or in not obeying the lawful commands, [*here set out the commands,*] of [*such judge or representative,*] or in having committed a contempt in the face of the court of [*such judge or representative,*] lawfully authorized by [*here set out the nature and manner of such contempt,*] on a day and hour now long past, in a certain cause of [*here set out the nature of the cause, and the names of the parties, to the same.*] We therefore humbly implore and entreat your said most excellent majesty would vouchsafe to command the body of the said to be taken and imprisoned for such contumacy and contempt.

Given under the seal of our court, the day of

A. B. registrar [*or deputy registrar as the case may be.*]

SCHEDULE (B.)

Writ de con-
tumace capien-
do.

George, &c. To the sheriff of greeting: The hath signified to us, that of in your county of is manifestly contumacious and contemns the jurisdiction and authority of [*here fully state the non-appearance, disobedience, together with the commands disobeyed, or the contempt in the face of the court, as the case may be,*] nor will he submit to the ecclesiastical jurisdiction; but forasmuch as the royal power ought not to be wanting to enforce such jurisdiction, we command you that you attach the said by his body, until he shall have made

made satisfaction for the said contempt; and how you shall execute this our precept notify unto and in no wise omit this, and have you there this writ. Witness ourself at Westminster, the day of in the year of our reign.

SCHEDULE (C.)

Whereas of in your county *Writ of deliverance.* of whom lately, at the denouncing of for contumacy, and by writ issued thereupon, you attached by his body until he should have made satisfaction for the contempt; now he having submitted himself, and satisfied the said contempt, we hereby empower and command you, that without delay you cause the said to be delivered out of the prison in which he is so detained, if upon that occasion and no other he shall be detained therein. Given under the seal of our

of A. B. registrar, [or deputy registrar, as the case may be,] Extracted by E. F. proctor.

The 54 Geo. 3. c. 68. I. contains provisions for the better regulation of ecclesiastical courts in Ireland, corresponding to those of the 53 Geo. 3. c. 127. E. *supra*.

Of Wrongs and their Remedies respecting the Rights of Persons.

P. 106. l. 9. The 56 Geo. 3. c. 100. U.K. recites that the provisions of the *Habeas Corpus* act, 31 Car. 2. c. 2. Eng. and 21 & 22 Geo. 3. c. 11. Ir. only extend to cases of commitment or detainer for criminal or supposed criminal matter; and for extending the remedy of such writ enacts, that where any person shall be confined or restrained

Judges of K. B. C. B. and Exc. shall issue writ of habeas corpus ad subjiciendum, in vacation, where probable ground for complaint.

of his liberty, (otherwise than for some criminal or supposed criminal matter, and except persons imprisoned for debt or process in any civil suit) within England, Wales, Berwick upon Tweed, or the isles of Jersey, Guernsey, or Man, any one of the barons of the exchequer, of the degree of the coif, as well as any one of the justices of the one bench or the other, and in Ireland any one of the barons of the exchequer, or of the justices of one bench or the other, shall, upon complaint made to them by or on the behalf of the person so confined, &c. if it shall appear by affidavit (or affirmation in cases where by law an affirmation is allowed) that there is a probable and reasonable ground for such complaint, award, in vacation time, a writ of *habeas corpus ad subjiciendum*, under the seal of said court, to be directed to the person or persons in whose custody or power such party shall be, returnable immediately before the person so awarding the same, or before any other judge of the court under the seal of which the said writ issued. And by s. 2. if the person, &c. to whom any writ of *habeas corpus* shall be directed according to the provisions of this act, upon service of such writ, either by the actual delivery thereof to him, &c. or by leaving the same at the place where the party shall be confined, &c. with any servant or agent of the person, &c. so confining, &c. shall wilfully neglect or refuse to make a return or pay obedience thereto, he shall be deemed guilty of a contempt of the court, under the seal whereof such writ shall have issued; and it shall be lawful for the said justice or baron, before whom such writ shall be returnable, upon proof made by affidavit of wilful disobedience of said writ, to issue a warrant under his hand and seal, for the apprehending and bringing before him, or before some other justice or baron of the same court, the person, &c. so wilfully disobeying said writ, in order to his being bound to the king, with two sufficient sureties, in such sum as in the warrant shall be expressed, with condition to appear in the court of which the said justice or baron is a judge, at a day in the ensuing term to be mentioned in said warrant, to answer the said matter of contempt; and in case of neglect or refusal to

s. 2.
If writ disobeyed, judge may issue warrant for apprehending, &c. the person so acting in contempt of it.

Such person to find sureties for his appearance in court in following term, or committed.

to become so bound, it shall be lawful for such justice, &c. to commit such person to the gaol or prison of said court, there to remain until he shall have become bound as aforesaid, or shall be discharged by order of the court in term time, or by order of one of the justices or barons in vacation; and the recognizance to be taken thereupon shall be returned and filed in said court, and shall continue in force until the matter of such contempt shall have been heard, &c. unless sooner ordered by the court to be discharged: provided, that if such writ shall be awarded so late in the vacation by any one of the said justices, &c. that, in his opinion, obedience thereto cannot be conveniently paid during such vacation, the same shall and may, at his discretion, be made returnable in the court of which he shall be a justice or baron, at a day certain in the next term; and the said court shall proceed thereupon, and award process of contempt in case of disobedience thereto, in like manner as upon disobedience to any writ originally awarded by the said court: provided that if such writ shall be awarded by the court of king's bench, common pleas, or exchequer, in the said countries respectively, (which last mentioned court shall have like power to award such writs as the courts of K. B. and C. B. in each of the said countries now have,) in term, but so late that, in the judgment of the court, obedience thereto cannot be conveniently paid during such term, the same shall, at the discretion of said court, be made returnable at a day certain in the then next vacation, before any justice, or baron of the degree of the coif, or, if in Ireland, before any justice or baron of the same court, who shall proceed thereupon, in such manner as by this act is directed concerning writs issuing in and made returnable during the vacation. By s. 3. in all cases provided for by this act, although the return to any writ of *habeas corpus* shall be sufficient in law, it shall be lawful for the justice, &c. before whom such writ may be returnable, to examine into the truth of the facts set forth in such return, by affidavit, (or affirmation in cases where an affirmation is allowed by law,) and to do therein as to justice shall appertain; and if such writ shall be returned before any one of

said

Writ, where issued late in vacation, may be made returnable in ensuing term, and vice versa.

s. 5.

Judges in vacation may examine into truth of return, and take bail from party, where truth doubtful, to appear in court in next term.

*Recognizance,
affidavits, &c. to
be transmitted
to court.*

*s. 4.
Same proceed-
ing where writ
awarded by
court itself.*

*s. 5.
Writ of habeas
corpus may run
into counties
palatine, &c. or
places out of the
body of county.*

*s. 6.
Provisions of
this act to ex-
tend to writs
issued under
51 Car. 2. c. 2.
Eng. and 21 &
22 Geo. 3. c. 11.
Ir.*

said justices, &c. and it shall appear doubtful to him, on such examination, whether the material facts of said return, or any of them, be true or not, it shall be lawful for the said justice, &c. to let to bail the said person so confined, &c. upon his entering into a recognizance with one or more sureties, or, in case of infancy or coverture, or other disability, upon security by recognizance, in a reasonable sum, to appear in the court of which the said justice, &c. shall be a justice, &c. upon a day certain in the term following, and so from day to day as the court shall require, and to abide such order as the court shall make in the premises; and such justice, &c. shall transmit into the same court the said writ and return, together with such recognizance, affidavits and affirmations; and thereupon it shall be lawful for the court to examine into the truth of the facts set forth in the return, in a summary way, by affidavit, (or affirmation in case where affirmation is allowed,) and to order and determine touching the discharging, bailing, or remanding the party. And by s. 4. the like proceeding may be had in the court for controverting the truth of the return to any such writ of *habeas corpus* awarded as aforesaid, although such writ shall be awarded by the court itself, or be returnable therein. By s. 5. writs of *habeas corpus*, according to the true intent of this act, may be directed and run into any county palatine or cinque port, or any other privileged place within England, Wales, Berwick upon Tweed, Jersey, Guernsey, or Man, and also into any port, harbour, road, creek and bay, upon the coast of England or Wales, although the same should lie out of the body of any county; and if such writ shall issue in Ireland the same may be directed, &c. into any port, &c. although the same should not be in the body of any county. By s. 6. the several provisions of this act, touching the making writs of *habeas corpus*, issuing in time of vacation, returnable into the said courts, or for making such writs, awarded in term time, returnable in vacation, and also for making wilful disobedience thereto a contempt of court, and for issuing warrants to apprehend, &c. persons disobeying such writs, and in case of neglect or refusal to become bound

as

as aforesaid, for committing persons so neglecting, &c. to gaol as aforesaid, [*and]¹ respecting the recognizance to be taken as aforesaid, and the proceedings thereon, shall extend to all writs of *habeas corpus* awarded in pursuance of the 31 Car. 2. c. 2. Eng. or 21 & 22 Geo. 3. c. 11. Ir.

* Not printed.

Of Injuries to Personal Property.

P. 121. l. 28. The 7 Geo. 2. c. 15. Eng. and 26 Geo. 3. c. 86. Eng. are amended by the 53 Geo. 3. c. 159. G. B. which enacts, that no person who is or shall be owner or part owner of any ship or vessel, shall be liable to answer for or make good any loss or damage arising by reason of any act, neglect, matter or thing done, omitted or occasioned, without the fault or privity of such owner, which may happen to any goods, wares, merchandize or other things laden or put on board the same ship, &c. after 1st, September, 1813, or which, after said day, may happen to any other ship, &c. or to any goods, &c. being in or on board of any other ship, &c. further than the value of his ship, &c. and the freight due or to grow due during the voyage which may be in prosecution or contracted for at the time of the happening of such loss, &c. And by s. 2. the value of the carriage of any goods, &c. belonging to the owner or any of the owners of such ship, &c. and also the hire due or to grow due under any contract made by or on behalf of his majesty, or by or on behalf of any other person or body corporate, except only such hire as in the case of a ship, &c. hired for time, may not begin to be earned until the expiration of 6 calendar months after the happening of such loss, &c. shall be deemed to be freight within the meaning of this act, and also of the said acts of the 7 Geo. 2. c. 15. and 26 Geo. 3.

Owners or part owners of ships, &c. how far liable for losses arising to goods on board, without their default, &c.

53 Geo. 3. c. 159. G. B.

s. 2.

What shall be deemed freight.

c. 86.

s. 3.

Where loss arises from more than one accident, &c. how compensated.

c. 86. By s. 3. in case any such loss, &c. shall arise by more than one separate accident, act, neglect or default, or on more than one occasion in the course of a voyage, or after the end of any voyage, and before the commencement of another, every such loss shall be compensated, &c. according to the provisions of this act, in the same way, and to the same extent, as if no other loss, &c. had happened during the same voyage, or after the end of any voyage and before the commencement of another: Pro-

s. 4.

Proviso as to responsibility of masters or mariners.

vided (s. 4.) that nothing herein shall lessen, &c. any responsibility to which any master or mariner of any ship, &c. may now by law be liable, notwithstanding such master, &c. may be an owner or part owner of his ship,

s. 5.

Proviso as to vessels used in rivers, &c. or ships not duly registered.

&c. And by s. 5. nothing herein shall extend to any owner of any lighter, barge, boat or vessel, of any burthen or description, used solely in rivers or inland navigation, or any ship, &c. not duly registered according to law. And by s. 6. nothing in this act shall prevent any

s. 6.

Proviso as to actions brought by persons suffering loss by the same accident, &c.

action, &c. being brought, &c. in any court of competent jurisdiction, by any person who shall have suffered any loss, &c. by the same accident, act, neglect or default, or on the same occasion; but such actions, &c. may be

s. 7.

Where several persons suffer loss, and ship and freight not sufficient to make compensation, any owner, &c. may file a bill against persons claiming recompence, to have value of ship, &c. ascertained, and for rateable distribution thereof.

brought, &c. as if this act had not been made, subject nevertheless to such order as any court may think fit to make, to restrain proceedings in such action, &c. on special circumstances, as justice shall require. By s. 7. if several persons shall suffer any loss, &c. in or to their goods, &c. or otherwise, by any means for which the responsibility of any owner is limited by this act as aforesaid, and the value of the ship, &c. with all her appurtenances, and the amount of the freight estimated as herein mentioned, shall not be sufficient to make full compensation to every person suffering such loss, &c. it shall be lawful for the persons liable to make satisfaction for such loss, &c. or any one or more of them, on behalf of himself, &c. and the other owner or owners of such ship, &c. to exhibit a bill in any court of equity having competent jurisdiction, against all the persons who shall have brought any such action, &c. as aforesaid, and all other persons who shall claim to be entitled to any recompence for

for any loss, &c. arising by the same separate accident, &c. or on the same occasion, to ascertain the value of the ship, &c. appurtenances and freight, and for payment or distribution thereof rateably amongst the several persons claiming recompence as aforesaid, in proportion to the several losses, &c. sustained by the persons so claiming recompence, according to the rules of equity, and as the case may require: Provided that the plaintiff (or plaintiffs) in such bill shall annex to such bill an affidavit that he, &c. does not directly or indirectly collude with any of the defendants thereto, or with any other owner, &c. of the same ship, &c. or with any other person, &c. but that such bill is filed for the purposes only of justice, and to obtain the benefit of the provisions of this act; and that the several persons named as defendants to the said bill, are, as the person, &c. making such affidavit believes, all the persons claiming to be entitled to recompence for loss, &c. sustained by the same accident, &c. or on the same occasion; and that all such defendants do claim such recompence, and to be entitled to proportions of the value of such ship, &c. appurtenances and freight; and that no other person claims to be entitled to any proportion thereof under the provisions of this act, and that the amount of the value of said ship, &c. appurtenances and freight, does not exceed a sum to be specified in such affidavit, and that the several claims made by the defendants to such bill, do exceed the amount of the value of such ship, &c. appurtenances and freight; and the plaintiff, &c. in such bill shall, on filing such bill, apply to the court and obtain an order for liberty to pay into court the [*amount] of the value of such ship, &c. appurtenances and freight, as ascertained by such affidavit, and shall pay the same into court according to such order; and no defendant shall be compellable to put in any answer to such bill, until such value shall have been paid into court as aforesaid, unless the court shall, for any special cause, think fit to order security to be given for the same, in such manner as said court shall think fit, either instead of payment thereof into court as aforesaid, or until such court shall make other order to the contrary; and unless such money shall be

Affidavit required to be annexed to such bill.

Plaintiff to pay into court the value of ship, &c. ascertained by affidavit, or give security, before answer required.

* Printed "account."

Bill dismissed if money not paid, or secured.

If bill be dismissed after money lodged, &c. how such money or security shall be disposed of.

Proviso as to actions by persons not parties to bill.

Proviso as to costs of actions by defendants to bill.

s. 8.

If true value of ship, &c. not lodged or secured, court may order a further sum to be lodged, &c. or bill to be dismissed, &c.

be so paid into court, or said court shall make such order for security, and such security shall be given within one month after such bill shall have been filed, such bill shall immediately after the expiration of such month stand dismissed without any motion for that purpose, and the court shall, thereupon, order the costs of said suit to all the defendants who shall then have appeared to such bill; and in case such security shall be given as aforesaid, and such value shall afterwards be ordered to be paid into court, and the same shall not be so paid within the time limited by the court, such bill shall also stand dismissed without motion, and the said court shall also order costs to be paid to the defendants as aforesaid; and in case any such bill shall be dismissed after any such value shall have been paid into court, or such security given as aforesaid, such court shall direct the money so paid into court, if any, to be paid to the several claimants defendants to such bill, who shall appear to the court to be entitled to proportions thereof, in such manner as to such court shall appear just, and shall order any security so to be given as aforesaid to be put in suit, and the money to be recovered thereupon to be paid into court and distributed in like manner; and such payments shall be without prejudice to any action, &c. which may be brought, &c. by any other person not party to such bill for any such loss, &c. as aforesaid, although such loss, &c. shall have arisen by the same accident, &c. or on the same occasion as the losses, &c. for which recompence shall be claimed by the parties defendants to such bill; and all such payments as shall be made under the order of said court shall be without prejudice to the recovery of the costs in any action, &c. which shall have been brought by any such defendant, &c. unless such costs shall be otherwise provided for by the said court. Provided (s. 8.) that if it shall appear to the court in which any such bill shall be filed, that the money paid into court, or for which such security shall be given, is not the true amount of the value of such ship, &c. appurtenances and freight, the said court shall order such further sum of money to be paid into court, or such further security to be given as to said

said court shall seem proper; and, if said court shall see fit, also order security to be given for the costs of such suit as shall seem just; and if such further sum of money shall not be paid, or such further security shall not be given within the time limited by said court, such bill shall stand dismissed without any order; and the court shall thereupon order the payment of the costs of such suit to the several defendants by the plaintiffs, and give the proper directions for the application of any money paid into court, or due on any security given in such suit to answer the demands of the several defendants in such suit, as to such court shall appear just. By s. 9. if after any such suit shall have been instituted the same shall become abated or imperfect, in the whole or in part, and the same shall not be revived or made perfect within the time to be limited by the court for that purpose, such suit shall stand dismissed without any motion for that purpose; and the said court shall order the costs of such suit to be paid to the defendants thereto, or to the representatives of any who shall be then dead; and if the plaintiff or plaintiffs in any such suit, or any of them, shall be then dead, such costs as shall not be otherwise paid shall be a charge on the assets of such deceased plaintiff, &c. and shall be recoverable as a debt by simple contract. By s. 10. the court in which any such bill shall be filed, is empowered to take all such measures as to such court shall seem just, for ascertaining the value of the ship, &c. appurtenances and freight, the amount of the losses or damages claimed by the defendants thereto respectively, and all such matters as shall be necessary for the purposes of justice in such suit, and for payment and distribution of the value of such ship, &c. appurtenances and freight, amongst the several persons entitled thereto, and generally to do therein as shall appear to be just; and the costs of all such proceedings shall be paid by the plaintiff or plaintiffs, unless the court shall think otherwise. By s. 11. all costs to be paid by the plaintiffs in such suits in equity shall be taxed as between attorney and client, if the court shall so order. By s. 12. if any such bill shall be dismissed for default of the plaintiff as herein-before provided, or un-

s. 9.

If suit not revived, &c. within due time after abatement, &c. bill dismissed, and costs awarded.

If plaintiff dead, costs a charge on his assets.

s. 10.

Court may take such measures as seem just for ascertaining value of ship, &c.

Costs of proceedings to be paid by plaintiff, unless court orders otherwise.

s. 11.

Costs how taxed.

s. 12.

No new bill to be filed, unless

former dismissed without prejudice.

s. 13.

Interest, &c. of money paid into court, or of security, how applied.

der any order of the court, no new bill shall be filed by the same plaintiff, or his, &c. representatives, or by any other part owner of the same ship, &c. unless the court shall order such dismissal to be without prejudice to the filing of a new bill, either absolutely, or under such conditions as to said court shall seem just. By s. 13. if any

money shall be paid into any such court of equity in respect of the value of any such ship, &c. as aforesaid, all interest and profit made thereof, whilst such money shall remain in court, shall be considered as belonging to the parties in such suit who shall appear entitled to the principal money or proportions thereof respectively, and shall be distributed accordingly; and if security shall be given for such value, or any part thereof, the same shall bear interest, and such interest shall be applied in like manner.

s. 14.

Bill filed by one part owner shall bind the rest.

By s. 14. if any such bill shall be filed by any part owner or part owners of any ship, &c. on behalf of himself, &c. and the other part owners, such bill shall bind all such other part owners, and their representatives, as they would have been bound if plaintiffs to such bill; and if, after the filing of any such bill, any of the plaintiffs or

Right of action against part-owner not determined by his death.

other part owners shall die, the right of action against such part owners so dying, founded on any tort or wrong, shall not thereby be lost, but it shall be lawful to proceed against the respective representatives of the part owners so dying, in the same manner as if such right of action had been founded on contract. By s. 15. if any suit for

s. 15.

Courts competent to act as courts of equity, within the meaning of this act.

any such loss, &c. shall be instituted or depending in any court competent to act as a court of equity for the purposes of this act, such court may proceed therein, in the same manner, and with the same powers, as are herein given to courts of equity, so far as the same are applicable to the nature of such court, and the forms of proceedings therein; and such court shall use all such means as a court of equity is by this act empowered to use for the purposes of this act. By s. 16. every sum of money

s. 16.

Part owners to be contributory to money paid under this or former acts.

which shall be paid for or on account of any loss, &c. in respect whereof the responsibility of the owners of any ship is limited by this act, or by the 7 Geo. 2. c. 15. and 26 Geo. 3. c. 86. or either of them, or any costs incurred in relation

relation thereto, shall be brought into account among the part owners of such ship, &c. in like manner as money disbursed for the use thereof. By s. 17. this act shall be deemed a public act, and be judicially taken notice of as such, &c.

s. 17.

Public act.

Of Dispossession, or Ouster of Chattles real.

P. 138. l. 14. and P. 140. l. 22. &c. The 56 Geo. 3. c. 88. s. 14. Ir. recites the 11 Ann. c. 2. s. 8. Ir. and 4 Geo. 1. c. 5. s. 6. Ir. which save the rights of infants, feme coverts, persons *non compos mentis*, or of non-sane memory, or being out of his majesty's dominions, from the operation of those ejectment statutes, and that said statutes were explained and amended by 8 Geo. 1. c. 2. 5 Geo. 2. c. 4. and 25 Geo. 2. c. 13. and that such provisions have produced great injustice to landlords, in some instances, by preventing the enforcement of the payment of rent justly due to them, and in others by obliging them, after getting into possession of lands and premises by ejectment for non-payment of rent, to account for mesne profits for a great length of time; and therefore enacts, that the said provisions in the said acts of parliament, so far as relate to saving the rights of infants, femmes covert, persons being *non compos mentis*, or insane, or out of his majesty's dominions, be repealed.

*Those clauses
of the former
ejectment sta-
tutes, which
saved the rights
of minors, &c.
repealed.*

*56 Geo. 3. c. 88.
s. 14. I.*

Of Subtraction.

P. 158. l. 33. The clause of the 11 Geo. 2. c. 19. s. 16. Eng here stated, is recited and amended by the 57 Geo. 3. c. 52.

*Summary reme-
dy for rent upon
a vacant pos-
session, extend-*

*ed to cases
where only half
a year's rent is
due, and whe-
ther demise be
written or verb-
al, and though
no right of re-
entry reserved.*

57 Geo. 3. c. 52.
Eng.

c. 52. Eng. which enacts, that the provisions, powers, and remedies by the said recited act given to lessors and landlords, in case of any tenant deserting the demised premises, and leaving the same uncultivated or unoccupied, so as no sufficient distress can be had to countervail the arrears of rent, shall be extended to the case of tenants holding any lands, &c. at a rack rent, or where the rent reserved shall be full three fourths of the yearly value of the demised premises, and who shall be in arrear for one half year's rent, (instead of for one year as in said recited act is provided,) and who shall hold such lands, &c. under any demise or agreement either written or verbal, and although no right or power of re-entry be reserved or given to the landlord in case of non-payment of rent, who shall be in arrear for one half year's rent, instead of for one year, as in said recited act is provided.

*Where tenant
abandons, &c.
tenement owing
half a year's
rent, and leav-
ing no sufficient
distress, sum-
mary remedy by
civil bill to reco-
ver possession.*

56 Geo. 3. c. 88.
s. 1. I.

P. 159. l. 4. The 56 Geo. 3. c. 88. I. recites that landlords in Ireland are often sufferers by tenants running away in arrear, and deserting tenements demised or agreed to be demised to them; and also by tenants, after the expiration of their terms or interests, refusing to deliver up the possession of the tenements demised, &c.; and also by tenants suffering large arrears of rent to accrue during the continuance of their terms; in all which cases the landlords or lessors are obliged to resort to an ejectment for the recovery of the possession, the expenses of which in many cases exceeds the value of the tenement; to provide therefore a less expensive remedy in such cases, this statute enacts, (s. 1.) that if any tenant holding any tenement in Ireland, who shall be in arrear for one half year's rent, shall desert the tenement demised to him, or leave the same uncultivated, or carry off the stock and crop, or otherwise abandon the same, so as no sufficient distress may be had to countervail the arrears of rent then due, it shall be lawful for the landlord or lessor of such tenement so deserted, &c. to proceed by civil bill before the recorder of Dublin, if the tenement be in the county of the city of Dublin, or before the chairman of the session of the peace for the county of Dublin, if the tenement shall be in said county, or before the assistant barrister of any other county

county in which the tenement shall be, to obtain possession of the tenement so deserted or left unoccupied; and thereupon it shall be lawful for 2 or more justices of the peace of the county in which such tenement shall be, having no interest in the demised premises, at the request of such landlord, &c. his bailiff or receiver, to go upon and view the same, between the hours of ten in the forenoon and four in the afternoon, and having fully ascertained to their satisfaction, by examination of witnesses, or by their own view, that the premises are so deserted by the tenant, or left so unoccupied as aforesaid, and without sufficient distress to countervail the arrears of rent then due, to certify to the assistant barrister, chairman, &c. or recorder, before whom such proceeding by civil bill shall be, under the hands and seals of such justices, that they have together viewed the premises in question, fully describing the same, and that the same appeared to them deserted or unoccupied, and without any distress thereon sufficient to countervail the arrear of rent ascertained by affidavit of the landlord or lessor, his bailiff or receiver, to be due thereon after all just allowances; which certificate, when proved to have been duly executed, shall be conclusive evidence of the facts therein contained, (unless disproved by contrary evidence to the satisfaction of the judge before whom the same shall come,) upon such civil bill, or appeal from such civil bill; and it shall be lawful for the said landlord, after obtaining from said justices the said certificate, to serve a process on such civil bill, together with a copy of such certificate, on the tenant against whom such proceedings shall be had, if such tenant can be found; and if not to affix such process, and a copy of such certificate, upon some notorious part of the said tenement, and also upon the door of the parish church, if the same shall be in repair, and also upon the door of the Roman catholic chapel, if any within the parish, summoning the tenant or tenants who may have so deserted the premises, personally to appear before the assistant barrister, chairman, or recorder, as the case may be, on a day certain, at a quarter sessions to be held for the division of the county in which the premises or any part of

Two justices of peace to certify the facts of the premises being deserted, &c.

Certificate conclusive evidence.

Process on civil bill and certificate how served on tenant.

*Evidence re-
quired to war-
rant decree.*

of them shall be, or at a court to be held before the recorder for the hearing of civil bills, (if the premises shall be within the county of the city of Dublin,) to answer the said bill of the landlord, &c. ; and it shall be lawful for said assistant barrister, &c. upon such civil bill, and upon proof of such certificate by any person who may have witnessed the execution of the same, and upon proof that at least one half year's rent was due to such landlord, &c. for the premises, when such proceeding was commenced, and that the process, and a copy of such certificate, were served as aforesaid, or that the tenant could not be found so that the same could be served, and then upon proof that such process and a copy of such certificate had been duly affixed upon the several places before mentioned, pursuant to this act; and upon hearing the tenant, in case such tenant shall appear, and such evidence as shall be offered on behalf of such tenant, if any shall be offered, and duly considering the same, to decree the said landlord, &c. to be put into possession of the premises.

s. 2.

*Where tenant
at a less rent
than £20. over-
holds possession,
after his interest
determined,
landlord may
recover posses-
sion by civil bill.*

And by s. 2.* where any tenement shall have been held by any tenant at a less rent than £20. *per annum*, and the tenant's interest in the same shall have determined, and after demand made by the landlord or lessor, his bailiff or receiver, a delivery of possession of the same shall be withheld, it shall be lawful for the landlord, &c. to proceed by civil bill against such tenant, † and such other person, if any, as shall be in the actual possession of the premises, and, thereupon, to serve such tenant and such other persons with process on such civil bill, if such service can be effected; (and if it shall be proved to the satisfaction of the judge before whom the case shall come, that such service cannot be effected, or in case there be not any person in actual possession of the premises, to affix upon some notorious part of the premises, and upon the door of the parish church, if the same shall be in repair, and also upon the door of the Roman catholic chapel, if any shall be in the parish;) by which process all persons claiming

* This clause should, perhaps, more properly be referred to vol. 1. p. 468. l. 19.

† The words "and the said tenant," here occur, by some mistake in the printed statute.

claiming to have any interest in the premises shall be required to appear before the assistant barrister, chairman, or recorder, as the case may be, on a day certain, at a quarter sessions for the division of the county in which the premises, or any part thereof, shall be situate, or at a court to be held before the recorder for the hearing of civil bills, in cases where the premises are situate within the county of the city of Dublin, to answer the bill of such landlord, &c. praying to be put into possession thereof; and it shall be lawful for the said assistant barrister, &c. upon such civil bill, and upon proof of such service as aforesaid, or, in case of impossibility or unreasonable difficulty of service, to be ascertained in manner herein-before provided, or in case there shall be no person in possession of the premises, upon proof of affixing of the said process as herein-before required, and that the premises had been held by the tenant against whom such proceeding shall be, at a rate not exceeding £20 *per annum*, and that the interest of the tenant had determined, and that notice to quit, in cases where such notice is by law necessary, had been duly served, and the time for the delivery of the possession thereof expired, to decree the said landlord, &c. to be put into possession of the premises. By s. 3. in all cases where any lands or premises shall have been held by any tenant at a less rent than £20 *per annum*, and that a full year's rent shall be due thereout, whether the same, or any part thereof, shall have accrued due prior or subsequent to the passing of this act, (26th June, 1816,) it shall be lawful for the lessor or landlord to proceed by civil bill against such tenant, and also such persons, if any, as shall be in actual possession of the said premises, and also against persons having interest for valuable consideration, in cases where the deeds or instruments creating such interests shall have been duly registered, and thereupon to serve such tenant, &c. with process on such civil bill, if such service can be effected, (and if it shall be proved to the satisfaction of the judge, that such service cannot be effected, or in case there be not any person in the actual possession of the premises, to affix such process upon some notorious part of the same

Upon what evidence assistant barrister, &c. to decree possession.

s. 3.

Summary proceeding by civil bill to eject tenant where a full year's rent due, and such yearly rent is less than £20.

Evidence required to found decree of assistant barrister, &c.

Lessee, &c. may prefer a bill to assistant barrister, &c. or to a court of equity, to redeem.

Within what time bill to be preferred, or appeal lodged.

same premises, and upon the door of the parish church, if the same shall be in repair, and also upon the door of the Roman catholic chapel, if there shall be any in the parish,) by which process all persons claiming to have interest in the premises shall be required to appear before the said assistant barrister, chairman, &c. or recorder, as the case may be, on a day certain, at a quarter sessions for the division of the county in which the premises, or any part of them, shall be situate, or at a court to be held before the recorder for the hearing of civil bills, where the premises shall be situate within the county of the city of Dublin, to answer the bill of the said lessor, &c. praying to be put into possession thereof; and it shall be lawful for the said assistant barrister, &c. upon such civil bill, and upon proof of such service as aforesaid, or in case of impossibility or unreasonable difficulty of service, (to be ascertained as herein-before provided,) upon proof of such affixing of said process, and that the premises were then held by the tenant at a rate not exceeding £20 *per annum*, and that a sum equal to one full year's rent, at such rate, was due when such proceeding by civil bill was commenced, and still remained due, after all just allowances to the tenant, to decree the said lessor, &c. to be put into possession of the said premises. And in case the lessee, or his assignee, or other person claiming or deriving under the lease or article by which the premises shall be holden, shall suffer the decree to be executed, putting the lessor, &c. into possession, without paying the rent and arrear thereon, with full costs, and without preferring a civil bill for relief to the assistant barrister, &c. or filing any bill for relief in equity, within the time now limited by the several statutes which regulate the action of ejectment for non-payment of rent, after such execution executed, then said lessee, &c. and all other persons deriving under said lease, &c. shall be barred and foreclosed from all relief in law or equity, other than by appeal from the decree of such assistant barrister, &c.; the said appeal to be brought within the time now limited for bringing of appeals on civil bills: Provided that the tenant or other person having right, under the several statutes

tutes which regulate the action of ejectment for non-payment of rent, to redeem any premises the possession of which shall be given to any lessor, &c. under this act, may, at any time after execution executed within which he is now by law entitled, tender the rent and costs for the purpose of redeeming the said premises; and in all cases where he or they would have been entitled under the existing laws to be restored to the possession under the decree of a court of equity, if deprived of possession by ejectment for non-payment of rent, he and they may be restored by the decree of the assistant barrister, &c. on a bill preferred for that purpose, and due proof of their being entitled thereto. And by s. 4. every lessor, &c. recovering possession by such decree as aforesaid, shall have the same remedy for all arrears of rent to the time of execution of said decree, as such lessor, &c. might have had if possession had * been obtained under such decree. By s. 5. in all cases where any process upon any civil bill is by this act directed to be served upon any person, or to be affixed upon the premises, or on the door of the church or chapel, the process shall be so served or affixed 30 days at the least previous to the day therein named for hearing such civil bill. And by s. 6. if any tenement, or any part of any tenement, for which any proceeding by civil bill shall be had under this act, shall be in any extra-parochial place, and there shall be any chapel or place of public worship in such place, all process and copies of certificates before required to be fixed on the door of a parish church or Roman catholic chapel in places not extra-parochial, shall be fixed on the door of such chapel or place of worship in such extra-parochial place; and if there shall be none such, then the judge, before whom such proceeding by civil bill shall be, shall direct in what manner such process or copies shall be fixed in such extra-parochial place for the purposes of this act. By s. 7. in all cases under this act, the civil bill shall specify the names of the landlord or lessor, and tenant or tenants respectively, the nature of the tenancy, the description of the premises, and the baronies or parishes wherein the same shall be situated, and the rent at which the same shall be

Rent and costs may be tendered after execution under this act, as under ejectment statutes.

s. 4.

Lessor's remedies for rent to the time of execution saved.

s. 5.

Process under this act to be served 30 days before hearing of civil bill.

s. 6.

Process how served in extra-parochial places.

s. 7.

Civil bill how framed in the several cases provided for by this act.

* The word "not," seems to be here omitted.

*Truth of civil
bill how verified.*

s. 9.

*Defendant to
have every legal
and equitable
defence, and
right of appeal,
as in other civil
bills.*

*Execution not
stayed by ap-
peal, unless rent
deposited.*

s. 10.

*Sheriffs may
grant warrants
to special bailiffs
to deliver pos-
session.*

*Same fees as
heretofore on ex-
ecuting decrees.*

then or had been last holden; and also, in cases where the proceeding shall be grounded on desertion, the fact of desertion by the tenant, and the amount of rent due after all just allowances, and the insufficiency of distress to countervail the same; and where the proceeding shall be grounded on the tenancy having determined, the fact of the determination of such tenancy, and the means by which the same shall have been determined, and refusal to deliver up possession; and in cases where the proceeding shall be grounded on non-payment of rent, the amount of the rent due after all just allowances, and when due; and the truth of the contents of the said civil bill shall be verified by the affidavit of the landlord, &c. his known agent or receiver, the said affidavit to remain in the custody of the clerk of the peace of the county in which such bill shall be filed. By s. 9. every defendant who shall appear on the trial of any such civil bill, in any of the cases herein-before mentioned, shall be entitled to every defence which he may have in law or equity, and shall also have the same rights of appeal, under the same restrictions, &c. as in other cases of decrees on civil bills by any assistant barrister, &c.: Provided however that execution shall not be stayed by reason of such appeal, unless the tenant shall deposit with the clerk of the peace the amount of rent proved to be due on hearing of such civil bill. By s. 10. for the execution of said decrees it shall be lawful for the sheriff to grant his warrant to a special bailiff, at the plaintiff's nomination, in like manner as for the execution of any other decrees of the said assistant barrister, &c.; and it shall be lawful for such special bailiff, together with his assistants, to execute the same by delivering the possession of the lands or premises therein named to the landlord to whom the same shall be decreed, or to any person appointed by the said landlord to receive such possession; and neither the sheriff, nor assistant barrister, nor clerk of the peace, nor any other person, shall demand, receive or have, on account of said proceedings, any greater fees than are authorized upon the execution of decrees on civil bills by the 36 Geo. 3. c. 25. Ir. save that any attorney employed upon the trial of

of any civil bill under this act, may charge and take from the party by whom he shall be employed the sum of 20s. *Additional fee of 20s. for attornies.* in addition to the sums which he is now by law entitled to charge for his attendance on the hearing of any other civil bill; and that the same shall be taxed against the unsuccessful party, in case he shall have appeared at the trial of such civil bill. Provided (s. 11.) that if any tenement touching which any proceeding by civil bill shall be had in pursuance of this act, shall be situate in 2 or more counties, such proceeding shall be in any one of such counties; and the sheriffs of the respective counties, in which any part of such tenement shall be, and in which such proceeding shall not be had, shall execute such decree as shall be made on such civil bill, upon delivery to him of a copy thereof signed by the judge who shall have made such decree, with a warrant for execution thereupon signed by the assistant barrister, &c. acting for the county in which such decree shall be required to be executed. By s. 12. in all cases except where the proceedings shall be grounded on non-payment of rent, the assistant barrister, &c. shall sign 2 copies of every decree which shall be made in pursuance of this act, and also a memorial thereof, for the purpose of registry, in manner herein-after mentioned, and his affixing his signature to one of said copies shall be witnessed by some person present at the time of such signature; and it shall be lawful for the landlord, &c. if he thinks proper, at any time between the termination of the assizes for the county then next ensuing, and the commencement of the assizes next following, to register one copy of the said decree in the office of the registry of deeds and wills in Ireland, by lodging a memorial and proving the perfection of the same, as in registering of deeds; and after the registry of said decree, it shall have the further effect of a conveyance to said landlord, &c. of any interest which the tenant, or any person claiming under him, may have to said lands, &c. freed and discharged from all leases, contracts, mortgages, debts, charges or incumbrances of the said tenant, or any person claiming under him. And by s. 13. if any person in the said office for the registry of deeds, shall demand or take

s. 11.

Where tenement situated in 2 or more counties, process how brought, and execution executed.

s. 12.

Assistant barrister, &c. to sign 2 copies of decrees for possession.

Signature attested.

Decree when registered to have the effect of a conveyance, and bar parties, creditors, &c.

s. 13.

Fees for registry as heretofore.

take any greater fee, gratuity, or sum of money, for or on occasion of the registry of any of the said decrees, than he is now by law entitled to for the registry of a deed, he shall forfeit £100. for every such offence, to be recovered in an action of debt by any person suing for the same.

s. 8.

*Clerks of the
the peace to re-
cord all decrees.*

By s. 8. the clerk of the peace of the county shall enter in a book to be kept for that purpose, all decrees in the cases herein-before mentioned, which shall be made at any sessions of the peace for such county, and which entries shall specify the names of the plaintiffs and defendants, and the tenements recovered, as the same shall be specified in the civil bills concerning the same; which book every person shall have liberty to examine, paying to the clerk of the peace for such inspection 1s. 8d. and the said clerk of the peace, immediately after the close of each session of the peace, shall post on the door of the court-house where such sessions were held, a correct list of such causes in which any tenement shall have been recovered, at such sessions under this act, which list shall specify the parties' names, and the description of the tenements, as set forth in the civil bill upon which the same shall have been recovered, upon pain of forfeiture for every such omission £100. to be recovered by action of debt, by any person suing for the same: Provided that the omission to make such entry, or posting, shall not invalidate, or in any ways effect any decree or recovery of the possession of any lands, &c. (see s. 18. *ante* P. 217.)

*Fee for inspect-
ing book con-
taining such
entries.*

*Clerks of the
peace to post, on
door of court-
house, list of
causes in which
possession de-
creed.*

Of Process.

*The statute
51 Geo. 3. c. 124.
against frivo-
lous arrests.*

P. 197. l. 34. The 51 Geo. 3. c. 124. E. & W. (which is abridged in Addenda P. 1. 73 to 76.) is continued by the 57 Geo. 3. c. 101. to the first day of November, 1823, and

and thenceforth until the end of the then next session of *continued.*
parliament. *57 Geo. 3. c. 101*
E. & W.

P. 200. l. 26. It is a provision of the 43 Geo. 3. c. 18. *Persons apply-*
E. which should have been here noticed, that in case of any *ing to be dis-*
application to any of his majesty's courts in [*Westmin- *charged, for de-*
ster hall,] by any person who has been or shall be held to *fect in affidavit*
special bail by virtue of any process out of such courts, to be *to hold to bail,*
discharged upon common bail, by reason of any defect in *must swear to*
such part of the affidavit on which he is so held to bail *tender in bank*
as negatives, or is intended to negative, any offer having *notes, or partly*
been made to pay the sum in such affidavit mentioned in *in bank notes*
notes of the governor and company of the bank of [*Eng- *and partly in*
land,] the person making such application shall not be *money.*
entitled to such discharge, unless he shall at the same
time make proof by affidavit, that the whole sum of mo-
ney for which he has been held to bail had been, or was,
before such holding to bail, offered to be paid either
wholly in such notes, or partly in such notes, and partly
in lawful money of this kingdom. And the 43 Geo. 3. *43 Geo. 3. c. 18,*
c. 44. I. contains a similar provision with respect to Ire- *E.*
land†,

P. 205. l. 24. The 55 Geo. 3. c. 157. I. provides (s. 9.)
that the courts of king's bench and commons pleas in Ire- *Courts of K. B.*
land, respectively, shall have the same powers of granting *and C. B. in*
commissions for taking affidavits in all parts of Great *Ireland, may*
Britain, as the said courts now have in Ireland; and every *grant commissi-*
person wilfully swearing falsely in any affidavit to be made *ons for taking*
before any person who shall be empowered to take affida- *affidavits in*
vits under the authority aforesaid, shall be deemed guilty *Great Britain.*
of perjury, and be liable to the same pains and penalties *55 Geo. 3. c. 157.*
as if such persons had wilfully sworn falsely in the open *s. 9. I.*
court, wherein the suit, in which such affidavit was so ta-
ken, at such time depended.

P. 206. l. 1. For facilitating the progress of business
in the court of king's bench in Westminster Hall, the *One of the judg-*
es of K. B. may
57 sit apart for

* "Ireland" in 43 Geo. 3. c. 44. I.

† These acts amend and continue the restrictions contained in several former acts on payments of cash by the banks of England and Ireland respectively. And the 57 Geo. 3. c. 48. I. continues, until 3 months after the ceasing of any restriction imposed on the bank of England from issuing cash in payment, the several acts (of which the 56 Geo. 3. c. 40. was then the last) for confirming and continuing the restrictions on payments in cash by the bank of Ireland.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11.
E.

*adding and
justifying spe-
cial bail.*

57 Geo. 3. c. 11. E. provides, that it shall be lawful for any one of the judges of said court, when occasion shall so require, to sit apart from the other judges of the same court, in some place in or near to Westminster Hall, for the business of adding and justifying special bail in causes depending in the same court, whilst others of the judges of said court are at the same time proceeding in the dispatch of the other business of said court in bank, in its usual place of sitting for that purpose in Westminster Hall; and the proceedings so had by and before such one of the judges so sitting apart for those purposes shall be as effectual, to all intents, as if the same were had before the court assembled and sitting as usual in its ordinary place of sitting in Westminster Hall.

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

56 Geo. 3. c. 56.
s 102. I,

*Bail bonds and
replevin bonds
may be assigned
without stamp.*

P. 206. l. 17. It may be proper here to refer to the clause (s. 102.) of the stamp act 56 Geo. 3. c. 56. I. which provides, that if any person shall be arrested by virtue of any writ or process of any of his majesty's superior courts of record in Dublin, at the suit of any common person, and the sheriff or other officer shall take bail for such person, such sheriff, c. at the request and cost of the plaintiff, or of his lawful attorney, shall duly assign to the plaintiff the bail bond or other security taken from such bail, by indorsement according to law, without any stamp in respect of such assignment; and also so often as it shall become necessary for any sheriff, or other officer in Ireland having authority to grant replevins, to assign any bail bond of any plaintiff in replevin to the avowant or defendant in such action, such assignment may be made without any stamp in respect thereof: Provided that no action shall be brought under any assignment, in any of the said cases, until the same shall be first duly stamped with such stamp as shall be then by law required by such assignment; and the said several assignments shall, on application at the stamp office in Dublin, at any time before action brought thereupon, be duly stamped in such manner as shall be then required by law, without payment of any penalty or other sum, save only the duty which shall be then payable thereon.

P. 295

Of Execution.

P. 295. l. 8. to P. 307. l. 23. To make a permanent provision for the relief of insolvent debtors, under certain restrictions, the 53 Geo. 3. c. 102. E. enacts, that [* it shall be lawful for his majesty to appoint a fit person, being a barrister of 6 years standing at the least, to be his majesty's commissioner for the relief of insolvent debtors, and to preside in a court to be called "The court for the relief of insolvent debtors," which shall be a court of record for the purposes of this act, and so soon as the appointment shall be notified in the London Gazette, such court shall be deemed to be fully established; and thereupon,] it shall be lawful for every person who shall be a prisoner in any prison in [†England,] upon any process issuing from any court whatsoever, by reason of any debt, damage, costs, sum or sums of money, or contempt for non-payment of money, and who shall have been in actual custody upon some process for some or one of the said debts or demands, during 3 calendar months or more, to apply by petition in a summary way [* to the court to be established by virtue of this act,] for his discharge from such confinement; and in such petition such prisoner shall state the prison wherein he shall be then confined, the time when he was first charged in custody, or received in prison, upon some process on which he shall be then detained in prison, together with the name or names of the person or person at whose suit or prosecution such prisoner shall, at the time of presenting such petition, be detained in prison, and the amount

King empowered to appoint a barrister to preside in a court to be called "The court for relief of insolvent debtors."

53 Geo. 3. c. 102. E.

Persons in custody upon process for debt, &c. during 3 calendar months, may apply to said court to be discharged.

Petition what to state.

* No such court is established by the 53 Geo. 3. c. 138. I. post, which provides, instead thereof, that the petition shall be presented "to the court from whence the process issued:" and this statute specially provides (s. 2.) for the case where the person shall be confined under the process of 2 or more courts.

† "Ireland," in 53 Geo. 3. c. 138. I.

*Prayer of such
petition.*

*Undertaking of
petitioner to as-
sign his proper-
ty for creditors:*

*And to pay any
balance not with-
standing his
discharge.*

*Schedule to pe-
tition what to
contain.*

amount of the debts or sums of money for which he shall be so detained; and shall pray to be discharged from custody upon all such process, and to have future liberty of his person against the demands for which he shall be then in custody, and against the demands of all other persons who shall be named as creditors, or as claiming to be his creditors, in the schedule to such petition; and such prisoner shall by such petition offer to convey, assign, and deliver to such person or persons as the court shall direct, for the payment of such debts, &c. all such property as he shall possess or have in his power, as herein-after expressed; the wearing apparel and bedding for such prisoner and his family, and working tools and necessary implements for his occupation or calling, and other small necessities, not exceeding in the whole the value of [£20.] only excepted; and shall also offer to engage to pay so much of all such debts, &c. as shall be justly due by him to such creditors, and as shall not be discharged by means of the property so to be conveyed, &c. in case he shall, at any time thereafter, become possessed of sufficient means for such purpose; to which petition shall be annexed a schedule containing a full and true description of every person to whom such prisoner shall then be indebted, or who, to his knowledge or belief, shall claim to be his creditor, with the nature and amount of such debts and claims respectively, and of every security for the same respectively, distinguishing such debts, &c. as shall be admitted from such as shall be disputed by such prisoner; and also a full, just, true and perfect account and discovery of all the estates and effects, real and personal, in possession, reversion, remainder or expectancy, of every kind, which such prisoner, or any other person in trust for him, or for his benefit, in any manner, shall have been or shall be seised or possessed of, or interested in or entitled unto, or which such prisoner, or any person in trust for him, or for his benefit, shall have had or shall have any power to dispose of or charge for the benefit of such prisoner when he was first committed to prison, or charged in custody for any of the debts, &c. for which he shall then be detained in custody, or at any time subsequent

sequent to that time, before and on the day on which the truth of such schedule shall be sworn to by such prisoner as herein directed; together with a full, just, true and perfect account of all debts at such time owing to such prisoner, or to any person in trust for him, or for his benefit, either solely or jointly with any other person or persons, and the names and places of abode of the several persons from whom such debt shall be or shall have been due or owing, and of the witnesses who can prove such debts as shall remain due, (if any such there be,) so far as such prisoner can set forth the same, and in what manner any such estates or effects, real or personal, of such prisoner shall have been applied or disposed of since the time when he shall have been so first committed to prison or charged in custody as aforesaid; and which of such estates, &c. or any of them, shall have been in any manner conveyed, assigned, disposed of, charged or incumbered, and when and in what manner, and for what consideration, and to whom, and for whose benefit, and which of such estates and effects shall, at the time of swearing to such schedule, be applicable to the discharge of the demands of his creditors; and such schedule shall also fully and truly describe the wearing apparel and bedding of such prisoner and of his family, and the working tools and implements, and other small necessities intended to be excepted by him from the assignment proposed by his said petition, together with the values of such excepted articles respectively; and such prisoner shall make oath of the truth of such petition and schedule to the following effect, or with such variations, according to special circumstances, as shall be consistent with the provisions of this act: “I *A. B.* upon my corporal oath, in the presence of Almighty God, do solemnly swear and declare, that on the day of I was really and truly a prisoner in the actual custody of in the prison or gaol of at the suit of for the sum of [*as the case may be*], without any fraud or collusion whatever; and that I have ever since been and now am a prisoner in in the actual custody of “the

*Form of oath
verifying petition and schedule.*

“ the keeper or gaoler of [as the case
 “ may be,] or within the liberties thereof, at the suit of
 “ and of [as the case may
 “ be], without any fraud or collusion whatever; and
 “ that I have not taken the benefit of any act of parlia-
 “ ment made for the relief of insolvent debtors within
 “ the space of five years now last past, and that I have
 “ not had at any time since I was committed to prison
 “ or charged in custody by the said
 “ as aforesaid, any means whatsoever of discharging the
 “ demands of the said and of the other
 “ persons named or described as my creditors, or as
 “ claiming to be my creditors, in the schedule hereunto
 “ annexed and subscribed by me, except the estates and
 “ effects mentioned in the said schedule; and that I have
 “ not now any means of discharging such demands, ex-
 “ cept so much of the said estates and effects as still re-
 “ main applicable for that purpose, as expressed in the
 “ said schedule; and that all the estates and effects which
 “ I have disposed of since I was so first committed to pri-
 “ son, or charged in custody, have been necessarily ex-
 “ pended by me for the maintenance of myself and fa-
 “ mily, and for law charges and other unavoidable ex-
 “ penses during my confinement, and in payment of just
 “ debts due and owing by me before or since the said
 “ day of when I was first
 “ committed to prison, or detained in custody, at the suit
 “ of the said as aforesaid; and that the
 “ said schedule doth contain, to the best of my know-
 “ ledge and belief, a full, just, true and perfect account
 “ and discovery of all the estates and effects, real and
 “ personal, in possession, reversion, remainder or ex-
 “ pectancy, and of every nature and kind soever, which
 “ I now am, or which any person or persons in trust for
 “ me, or for my use, benefit or advantage, now is or
 “ are seised, possessed of, interested in, or entitled unto,
 “ or which was or were in my possession, custody or pow-
 “ er, or in the possession, custody or power of any such
 “ person as aforesaid, or which I or any person or persons
 “ had any power of disposing of or charging for my be-
 “ nefit

“nefit or advantage, at the time I was so first committed
“to prison, or charged in custody by the said
“as aforesaid, or at any time since that time, and of all
“debts owing to me, or to any person or persons in trust
“for me or for my benefit, either solely or jointly with
“any other person or persons, and of all securities and
“contracts whereby any money now is or will or may
“hereafter become payable, or any benefit or advantage
“may accrue or might have accrued to me or my use, or
“to any person or persons in trust for me or for my be-
“nefit, at the time I was so first committed to prison, or
“charged in custody as aforesaid, and the names and
“places of abode of the several persons from whom such
“debts are or were due and owing, and of the witnesses
“who can prove such debts or contracts as remain due or
“unperformed, so far as I am able to set forth the same;
“and that neither I nor any person or persons in trust for
“me, or for my use and benefit, to my knowledge or be-
“lieve, have or has any land, money, stock, or other estate
“or effects whatsoever, real or personal, in possession, re-
“version, remainder or expectancy, or of any nature or
“kind whatsoever, or any power of disposing of, or of
“charging for my benefit or advantage, any property
“whatsoever, other than such as are in the said
“schedule contained or expressed, except the wearing
“apparel and bedding for myself and family, working
“tools and the necessary implements for my occupation
“and calling, and other small necessities, not exceeding
“in the whole the value of [*£20] mentioned and described
“in the said schedule, and intended to be excepted from
“the assignment intended to be made by me; and that
“I have not, nor hath or have any person or persons for
“me, directly or indirectly, sold, lessened, or otherwise
“conveyed away or disposed of, in trust or otherwise, ex-
“cept as herein-before expressed, or in any manner con-
“cealed any part of my lands, money, goods, chattles,
“stocks, debts, securities, contracts, estates or effects,
“real or personal, whereby to secure the same for my
“own benefit, or whereby I may receive or expect to re-
“ceive any profit or advantage therefrom, or with any
“intent.

* £10, in 53 Geo. 3, c. 138, l.

Oath administered by court, or officer deputed, or by justice of peace, &c.

Copy of petition, schedule and oath, and order of court, to be served on schedule creditors 20 days before hearing of petition.

s. 2.

If creditors numerous or re-

“intent to defraud or deceive any creditor or creditors to whom I am or was indebted, in any wise however. “So help me God.” And the said oath shall be admi-

nistered by such court, [*or by any officer of such court appointed by such court for that purpose, or by a justice of the peace for the county, &c. in which] such prisoner shall be detained in custody; and the said petition and schedule, and oath, shall be respectively subscribed by such prisoner, in the presence of the person by whom such oath shall be administered, who shall certify the subscription thereof respectively by such prisoner; and such petition, schedule, [†and oath] shall be filed in said court, which court shall thereupon name a day for hearing such

petition; and a copy of such petition, schedule [†and oath], shall be served on the several persons who shall be specified in such petition as the persons at whose suit such prisoner shall be then detained in custody, or on their attorney or solicitor, in the action, &c. in respect of which he shall be so detained, together with a copy of the order of the court upon such petition, 20 days at least before the day appointed for hearing such petition, by delivering such copies respectively to such persons respectively, or leaving the same with the wife, clerk or servant of such persons respectively, at their usual place of abode; and notices in writing that such petition had been presented, and such schedule [†and oath] filed in said court, together with a copy of the order on such petition, shall be served, in like manner, on every person named or described in said schedule as creditors, or as claiming to be creditors, or on the attorney or solicitor of any creditor, in any action or suit brought against such prisoner for the demand of such creditor; and such service shall, on the hearing of said petition, be proved on oath to the satisfaction of the court. Provided ‡(s. 2.) that in case it shall be made appear to the satisfaction of the court, that the creditors,

* “or by any person duly authorized to take affidavits for such court, or by any justice of the peace within whose jurisdiction” are the words used in the 53 Geo. 3. c. 138. I. and the clause (s. 15.) of the 54 Geo. 3. c. 23. E. post, is to be here referred to.

† Vide 54 Geo. 3. c. 23. s. 2. & 3. post.

‡ This section is also amended by the 54 Geo. 3 c. 23. s. 4. E. post.

creditors, exclusive of those at whose suit such prisoner shall be then detained in custody, are so numerous, or their residence so remote, that the expense of serving them with notice of the application for his discharge, would be so considerable that such prisoner might be unable to procure such service to be duly made, or that for any other reason it will be fit to dispense with such service, with respect to all or any of such creditors, it shall be lawful for said court to order that notice of the petition of such prisoner for his discharge may, instead of being served on such creditors respectively, be inserted in the [*London] Gazette, and in such 2 or more newspapers as said court shall direct, and in such form of words as such court shall approve, 20 days at least before the day appointed for hearing the matter of said petition, or to substitute some other mode of notice; and upon such notice so given to the satisfaction of said court, it shall be lawful for said court to proceed on such petition with respect to the creditors named, &c. in such notice. † Provided ‡ (s. 3.) that any printer or proprietor of any newspaper, shall insert such advertisement on payment of 3s. for such insertion; and no such advertisement shall be charged with payment of stamp or other duty. And by s. 4. in case it shall be made appear to the satisfaction of [§ said court,] that any person required to be served with such petition, &c. is beyond the seas, or cannot be found so as to be served as required by this act, and said court shall not order notice to such persons to be inserted in the [*London] Gazette, and such newspapers as aforesaid, or substitute any other mode of notice, it shall be lawful for said court to proceed upon such petition, notwithstanding such defect in the service thereof; but in such case such prisoner shall not be discharged from the demands of the person who shall not be so served, &c. unless such person shall appear before the court and oppose the discharge of such prisoner, or consent to the proceeding of the court, notwithstanding such defect of service. And by s. 5. if any prisoner seeking the benefit of this act shall, within 2 years

mote, notice in London gazette, and in 2 or more news papers, or other notice as court shall direct.

* "Dublin" in 53 Geo. 3. c. 138.

†

s. 3. Payment for insertion limited to 3s. No stamp duty thereon.

s. 4. Court may proceed though notice not given in London gazette, &c. if creditors beyond sea, &c.

* "Dublin" in 53 Geo. 3. c. 138. I. Proviso as to debt of creditor not served or not appearing, &c.

s. 5. Where debt contracted out of the kingdom.

‡ The 53 Geo. 3. c. 138. I. here provides for discharging, at the assizes, prisoners in county gaols under process of superior courts.

‡ This clause is amended by the 54 Geo. 3. c. 23. s. 6 E.

§ "the court to which such prisoner shall apply to be discharged" in 3 Geo. 3. c. 138. I.

notice upon attorney, &c. substituted.

* "Ireland," in 53 Geo.3.c.138. I.

s. 6.

Hearing of petition may be adjourned in case of defect of service.

s. 7.

On hearing of petition creditors may require prisoner to be examined on oath, touching petition, &c.

years before he shall seek it, have resided in any place out of [*the united kingdom,] and shall, during such residence, have contracted in such place any debt from which he shall seek to be discharged by virtue of this act, he shall not be discharged from such debt, without the consent of the person to whom such debt shall be due, unless he shall, at the time of such application, be in actual custody for such debt, or shall be actually sued [†or shall have been sued,] in some court of law or equity in [*England] for the same; in any of which cases notice of the application for his discharge shall be given to the creditors so detaining or suing him, or to the attorney or solicitor employed in the action, &c. then depending, [‡or to the attorney, &c. employed in any suit for such debt before instituted but not depending,] if the court[‡to be so established] shall think fit to allow of such service. By s.6. § in case of any defect in the service of such petition, &c. said court, from time to time, may allow a further time, and make an order for adjourning the hearing of the petition, in the whole or with respect to any particular person, to give opportunity for such service; and in case the said petition, schedule, oath, and original order, together with such further order, shall be duly served, according to the provisions of this act, on the person not before duly served, 20 days before the day appointed for hearing said petition on any such further order, it shall be lawful for the said court to proceed on such service, as if said petition, &c. had been duly served. By s. 7. upon the day appointed for hearing said petition, or upon such subsequent day as said court shall appoint, the said court shall cause such prisoner to be brought before said court, [¶or before such person or persons as said court shall direct, according to the provisions of this act,] to be examined touching the truth of said petition and schedule; and any of the creditors of such prisoner, and any of the persons named, &c. in such schedule as claiming to be creditors, and any person not named, &c. in such schedule who shall claim to be a creditor, shall be at

† These words omitted in 53 Geo. 3. c. 138. I.

‡ "to which application shall be made for his discharge, in 53 Geo. 3. c. 138. I.

§ This clause is amended by the 54 Geo. 3. c. 23. s. 5. *post*.

¶ These words omitted in 53 Geo. 3. c. 138. I.

at liberty to oppose such petition, and to put such questions to such prisoner as said court shall think fit, touching such petition and schedule, and such other matters as said court shall think fit; and such prisoner shall answer all such questions upon oath, and in case he shall not answer them to the satisfaction of said court, or if it shall be made to appear to said court from such answers as shall be given, or by evidence, that such prisoner is not entitled to the benefit of this act, then such court shall so declare, and shall remand him to custody: provided that such court may remand such prisoner, and afterwards cause him to be again brought up for examination, as often as to such court shall seem fit. [*And by s. 8. said court may, if it shall see fit, order any prisoner, instead of being brought before said court for examination, to be examined on oath as occasion shall require, touching any matters for the purposes of this act, by one or more of his majesty's justices of the peace for the county, &c. within or near to which such prisoner shall be detained in custody, either at a general session of the peace, or any adjournment thereof, [*or out of sessions,] who shall accordingly take such examination; and such notice shall be given of the time and place to be appointed for such examination as said court shall direct; and such prisoner shall, according to such order, be carried before the person or persons so appointed, &c. for which such order shall be a sufficient warrant; and such prisoner shall answer, upon oath, all such questions as shall be put to him pursuant to such order; and the person, &c. taking such examination shall certify to such court the examination of such prisoner, and all matters relating thereto, as such court shall direct; and such court shall proceed upon such certificate as to such court shall seem just; and such examination or certificate shall not be liable to any stamp duty or duties whatsoever; and the clerk of the peace or other officer of such sessions, or the clerk of the justice or justices, shall be paid for every such examination after the rate of 4*d.* for every folio, for taking

If questions not satisfactorily answered, &c. court may remand prisoner.

If prisoner's right to be discharged doubtful, he may be brought up from time to time.

s. 8.

Court may order prisoners to be examined by justices of peace either in session or out of session, &c.

Examination certified.

Clerk's fees on such examination,

* This clause is amended by the 54 Geo. 3. c. 23. s. 9. & 10. and 56 Geo. 3. c. 126. s. 3. to 6. *post*: E, but no such clause is contained in the 3 Geo. 3. c. 138, I,

s. 9.
*Persons oppos-
ing petition
deemed to have
notice.*

s. 10.
*Where court
shall think pri-
soner entitled to
his discharge,
order to specify
the several de-
mands from
which he is dis-
charged.*

* "Dublin," in
53 Geo.3.c.138.
I.

*Assignees ap-
pointed, and as-
signment and
engagement ex-
ecuted by pri-
soner.*

*Books, &c. to be
delivered to
assignee.*

taking and swearing or affirming the same; and the further sum of 2*d.* for every folio for such certificate, and procuring the signature of the justices thereto, and fair copy of such examination to return with such certificate, and no more; and each such folio shall contain not less than 72 words.] By s. 9. in case any person claiming to be a creditor of any prisoner shall oppose his petition, such person, although not duly served with such petition, &c. shall be considered as having due notice thereof, and the name of such person shall be added to said schedule by said court, either as a creditor or claiming to be a creditor of such prisoner. By s. 10. in case said court shall be of opinion that such prisoner is entitled to the benefit of this act, said court shall so order and adjudge, and shall, in such order, specify the several creditors, and persons claiming to be creditors, who shall appear to have been duly served with notice of such proceedings, or with respect to whom notice shall have been given in the [*London] Gazette, and other newspapers, in pursuance of the order of said court, or in such other manner as said court shall direct, or who shall have appeared, &c. and opposed the discharge of such prisoner, or consented to the proceedings of the court with respect to their demands, notwithstanding any defect of service of such notice; [†and said court shall in such order also specify the several persons against whose demands such prisoner shall be deemed entitled to be discharged; and such court shall appoint a proper person or persons to be assignee or assignees of the estate and effects of such prisoner, and shall order proper conveyances of such estate, &c. to be made by such prisoner, together with an engagement to be executed by such prisoner to pay so much of the just debts and demands of the several persons against whom he shall be adjudged entitled to the benefit of this act, as shall not be paid out of such estate, &c. in case he shall at any time thereafter be enabled to pay such debts, &c. or to pay such part thereof as he shall be able at any time to pay;] and shall also order all books, papers and writings, in the custody or power of such prisoner relating to his estate and effects, and the demands of his creditors, to be

† This clause is amended by the 54 Geo. 3. c. 23. s. 13. & 14. *post.*

be delivered on oath to such assignee, &c. or otherwise to be disposed of as such court shall direct; and upon the due execution of all such conveyances, &c. and delivery of such books, &c. such court shall order such prisoner to be discharged from custody; [*and judgment shall thereupon be entered [† in such court] against such prisoner in pursuance of such engagements as aforesaid, which judgment shall, if said court shall so order, be executed against the future estates and effects of such prisoner, real and personal, as said court shall direct, and shall bind his assets, real and personal, in the hands of his heirs, executors and administrators, for the full amount of the debts and demands aforesaid, which shall remain unsatisfied, or so much thereof as said court shall be of opinion ought to be satisfied; and execution shall be had upon such judgment as upon a judgment of the court of king's bench, nevertheless according to the orders of the court to be established by virtue of this act, and in conformity to the provisions herein contained.] [‡ Provided (s. 11.) that any copyhold or customary estate to which any such prisoner shall be entitled, shall be surrendered or conveyed by him according to the custom of the manor of which such estate shall be holden, either to the assignee, &c. of the estate of such prisoner, or to any purchaser from such assignee, &c. as said court shall direct, and the rents and profits thereof shall be in the mean time received by such assignee, &c. for the benefit of the creditors of such prisoner, without prejudice to the lord of such manor, &c.] And this act (s. 12.) recites, that prisoners discharged by virtue of this act may be entitled to annuities for their own lives, or other uncertain interests, or to reversionary or contingent interests, or to property under such circumstances that the immediate sale thereof may be very prejudicial to them; and therefore enacts, that in all such cases it shall be lawful for said court to take into consideration

Upon prisoner's discharge judgment entered against him on his engagement.

Execution thereupon against any future assets of his.

s. 11.

Copyhold estates to be surrendered by prisoner.

s. 12.

Where it appears to court that immediate sale of prisoner's estate would be prejudicial to him, court may make special order for raising money by mortgage, or other disposition of said property.

* *Vide* 54 Geo 3. c. 23. s. 14. *post*.

† "in such court if the same be one of his majesty's superior courts of law in Dublin, and if not then in any of such superior courts," in 53 Geo. 3. c. 138. I.

‡ This clause is omitted in the 53 Geo. 3. c. 138. I.

all circumstances affecting the property of any such prisoner, either at the time of his discharge, or at any subsequent time, and to direct that such property as it may be expedient not to sell, or not to sell immediately, shall not be so sold, and from time to time to make such order touching the sale or disposition of such property as shall seem reasonable, considering the rights of the creditors, and the future benefit of such prisoner, and upon such terms with respect to the allowance of interest on debts not bearing interest, or other circumstances, as to said court shall seem just; and if it shall appear to said court that the debts of such prisoner can be discharged by mortgaging his property, instead of raising money by sale, it shall be lawful for said court so to order, and to give all necessary directions for such purpose, and generally to direct all things which may be proper for the discharge of the debts of such prisoner, in such manner as may be most consistent with his interests. By s. 15. every

s. 15.

Persons discovering prisoner's property concealed, allowed £5. per cent. and such further reward as assignee and creditors shall think fit.

person who shall, at any time after 6 calendar months from the date of the appointment of any assignee or assignees under this act, voluntarily come and make discovery of any part of such prisoner's estate not specified in said schedule, and not before come to the knowledge of such assignee, &c. either to the said assignee, &c. [*or the commissioner of said court,] shall be allowed £5. per cent. and such further reward as said assignee, &c. or the major part in value of the creditors present at any meeting of the creditors shall think fit, to be paid by the assignee, &c. out of the net proceeds of such prisoner's estate which shall be recovered upon such discovery. By s. 16. every

s. 16.

Any person concealing property of prisoner forfeits £100. and double value, if not disclosed in 6 months after his discharge.

person who hath accepted or shall accept any trust, or shall be possessed of and wilfully conceal or protect any estate, real or personal, of any prisoner who shall be discharged under this act, and knowing such discharge shall not, within six calendar months after such discharge, disclose such trust and estate, in writing, either to the assignee, &c. [*or commissioner, &c.] and submit himself to be examined touching

* "or to the court by which such prisoner shall be discharged," in 53 Geo. 3. c. 138. I.

touching the same, on oath, [*before such commissioner, or before such justice of peace as he shall appoint,] if thereunto required, and truly discover the same and all particulars thereof, shall forfeit £100. and double the value of the estate concealed for the use of the creditors, to be recovered by action of debt in any court of record at [†Westminster,] † “Dublin” in 53 Geo. 3. c. 138. I. in the name of the assignee, &c. or of any one of his creditors who shall first sue for the same, with full costs of suit.

This act (s. 42.) recites, that the estates of any prisoner discharged by virtue of this act may not be sufficiently described in his schedule, or his assistance may be necessary to recover or manage his estate for the benefit of his creditors; and therefore enacts, that it shall be lawful for the assignee, &c. from time to time, to apply to the court [‡to be established by virtue of this act,] that such prisoner may be further examined as to any matters relating to his estate, &c. either by such court, or by any justice of peace [§ for the county, &c. where] such prisoner shall then reside; and if such court shall direct any such examination before any such justice, he shall send for or call before him such prisoner, by such warrant, summons, ways or means as he shall think fit; and if such prisoner shall appear, such justice shall examine him upon oath, or otherwise, as to such matters as such assignee, &c. shall desire relating to estate, &c. of such prisoner; and if any such prisoner, on payment or tender of payment of such reasonable charges as such justice shall judge sufficient, shall neglect or refuse to appear before such justice, not having a lawful excuse allowed by such justice, or, being come before such justice, shall refuse to be sworn or to answer such questions as by such justice shall be put to him, relating to the discovery of his estate, &c. as required by the order of said court, such justice shall certify such default to said court, and thereupon, and also in case such prisoner shall neglect or refuse to appear before such court, to be examined by such court, if the court shall think fit so to order, or, appearing before such court, shall refuse to be sworn, or to answer such

s. 42.

Prisoner discharged may be from time to time ordered to be examined before court, or justice of peace, touching his estate.

Penalty for default of appearing and answering.

* “before such court,” in 53 Geo. 3. c. 138. I.

† “by which such prisoner shall be discharged,” in 53 Geo. 3. c. 138. I.

‡ “within whose jurisdiction,” in 53 Geo. 3. c. 138. I.

such questions as shall be put to him relating to the discovery of his estate, it shall be lawful for [*the commissioner, &c.] by warrant under his hand and seal, to commit him to [†the common gaol of any county or place,] there to remain without bail or mainprize, until he shall submit himself to [*such commissioner,] and answer upon oath or otherwise as shall be required, to all such lawful questions as shall [*by such commissioner] be put, or ordered to be put to him for the purposes aforesaid.

s. 18.

Estate of prisoner vested in assignee appointed under this act; who may sue, &c. for the same.

By s. 18. all the estate, right, title, interest and trust of every prisoner discharged by virtue of this act, of, in, and to all the real estate, [‡ as well freehold as copyhold or customary,] and of, in, and to all the personal estate, debts and effects of such prisoner, shall, immediately after the order of such court for his discharge, be vested in the person or persons to whom the same shall be directed to be assigned, &c. as aforesaid, in case such person, &c. shall accept the same; and the assignment, &c. which shall be so made shall be without stamps, and shall, together with this act, be effectual to vest the estate therein comprised in such assignee, &c. his heirs, executors, administrators and assigns, according to the estate and interest which the prisoner had therein; and every such assignment, &c. shall be in trust for the creditors against whom such prisoner shall have so obtained his discharge, in respect of and in proportion to the debts justly due to them respectively; and such assignee may sue from time to time in his own name, for the recovery and obtaining possession of any estate, &c. of such prisoner, and also execute any power vested in or created for the use and benefit of such prisoner, and give the requisite discharges to any persons indebted to such prisoner: provided that nothing herein shall prejudice or affect any estate, &c. of any person other than such prisoner, expectant upon or subject to any estate or interest of such prisoner vested in such assignee as aforesaid. And by s. 19. every such assignee shall,

Proviso as to estates expectant upon prisoner's estate.

s. 19.

with

* "such court," in 53 Geo. 3. c. 138. I.

† "any prison within the jurisdiction of such court," in 53 Geo. 3. c. 138. I.

‡ These words omitted in 53 Geo. 3. c. 138. I.

with all convenient speed after his accepting such assignment, &c. use his best endeavours to receive and get in the estate and effects of every such prisoner, and make sale of such estate, &c. and if any such prisoner shall be interested in or entitled to any real estate, either in possession, reversion or expectancy, the same, within 2 months after such assignment, &c. shall be sold by public auction, in such manner, and at such place or places as the major part of the creditors entitled to the benefit thereof (who shall assemble together on any notice in writing published in the [*London] Gazette, and in some daily paper printed and published in [*London, or within the bills of mortality,] if the prisoner, before his going to prison, resided in [*London, or within the bills of mortality,] and if such prisoner resided elsewhere, then in † some printed newspaper which shall be published and generally circulated in or near the county, &c. or place in which such prisoner resided before he was committed to prison, 30 days before such sale shall be made,) shall, under their hands, approve; and every such assignee, at the end of 3 months at farthest from the time of his accepting any such assignment, and so from time to time as occasion shall require, shall make a fair dividend of all the prisoner's estate, &c. then recovered, amongst the creditors from whose demand he shall be discharged, in proportion to their just debts; but before such dividends shall be made, such assignee shall make up an account of such prisoner's estate, and make oath in writing [§ before an officer of said court to be appointed for that purpose, or] before one justice (or more) of the peace [‡ of the county, &c. in which] such assignee shall reside, that such account contains a fair and just account of the estate and effects of every such prisoner got in by or for such assignee, and of all payments made in respect thereof, and that all payments therein charged were truly and *bona fide* made and paid, which account so sworn shall be made and filed with the proper officer of said court, and notice of the making of every such dividend shall be published in like manner as a meeting of the creditors is herein-before directed

Assignees to get in prisoner's estate, and sell the same within 2 months after assignment.

Notice of time and place of sale.

* "Dublin," in 53 Geo. 3. c. 138. I.

Dividend made within 3 months after assignment.

Account to be previously stated and verified upon oath.

Notice of dividend published.

† The 53 Geo. 3. c. 138. I. here adds "in the Dublin Gazette, and in,"

‡ These words omitted in 53 Geo. 3. c. 138. I.

§ "within whose jurisdiction," in 53 Geo. 3. c. 138. I.

*Debts how
proved.*

*Power of court
for investigating
disputed claims.*

s. 20.

*Upon the appli-
cation of any
prisoner, or
creditor, court
may order, &c.
assignee to ac-
count, &c. and
award costs.*

directed to be published, 30 days at least before such dividend shall be made; and no creditor shall be allowed to receive any share of such dividend until he shall have made due proof of his debt by oath before some such justice or justices of peace; and if such prisoner, or his assignee, &c. or any of his creditors, shall object to any debt so claimed, the same shall be examined into by said court, who shall have full power, for that purpose, to require and compel the production of all books, papers and writings, which may be necessary to be produced, as well by the person claiming such debt, as by the prisoner or his assignee, and to examine all such persons and their witnesses on oath, and take all the measures necessary for the due investigation of such claim; and the decision of said court upon such claim shall be conclusive with respect to any dividend of the effects of such prisoner under this act. And by s. 20. in case the prisoner, or any of the creditors against whom he shall have obtained his discharge, shall be dissatisfied with the account of any assignee, rendered upon oath as aforesaid, or in case any assignee shall neglect to render such account, or to dispose of the property or collect the effects of such prisoner, or shall waste or mismanage the estate, &c. of such prisoner, or neglect to make a due distribution thereof, it shall be lawful for such court, upon the application of such prisoner, or of any such creditor as aforesaid, to require such assignee to render such account on oath as directed by this act, if not before rendered, and to examine any such account, and to inquire into any waste, mismanagement or neglect of the estate, &c. of such prisoner, and direct a proper administration thereof, and ascertain the produce of such estate, &c. and direct the distribution thereof accordingly, and to require and compel the production of all books, papers and writings necessary for such purposes, and to examine all parties and their witnesses on oath, as the case may require, and to take all such measures as shall be necessary for the compelling the rendering of such account, and the due investigation thereof, and the proper distribution of the effects of such prisoner according to this act, and to award costs against any

any of the parties as justice shall require; and the decision of said court upon all such matters shall be final. By s. 21. every creditor of any prisoner discharged by virtue of this act for any sum of money payable by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant, or other security, shall be entitled to be admitted a creditor, and to receive a dividend, in such manner, and upon such terms, as he would have been entitled to by the laws now in force, if such prisoner had become bankrupt, and without prejudice in future to the respective securities, otherwise than as the same would have been affected by proof made in respect thereof, by the creditor under a commission of bankrupt, and a certificate obtained by the bankrupt under such commission, but subject to the terms of the engagement of such prisoner for future payment of his debts, as herein-before directed. By s. 22. from the date of any such order of discharge as aforesaid, all interest on any debt bearing interest shall cease; but if it shall appear to the satisfaction of said court that the estate and effects alone of such prisoner, or together with his future estate, &c. are not only sufficient for payment of the principal of all the debts of such prisoner payable thereout under this act, together with all other debts of such prisoner, and to afford him competent means of future subsistence, but are so considerable as to render it fit that interest should be allowed on debts bearing interest, it shall be lawful for said court to order such interest to be paid accordingly, and to fix the time from which such interest shall be computed, having regard to the unproductive state of the effects of such prisoner, during the administration thereof under the authority of this act. By s. 23. no suit in law or equity shall be commenced by any assignee of such prisoner's estate, without the consent of the major part in value of the creditors of such prisoner, who shall meet together pursuant to a notice for that purpose, to be given at least 10 days before such meeting, in the [**London Gazette,*] or other newspaper as herein-before required, previous to the sale of any estate of such prisoner. By s. 43. it shall be lawful for any assignee, &c. with the consent of the major

Decision of said court final.

s. 21.

Creditors, by annuity or otherwise, payable in futuro, to receive dividends as bankrupts.

Proviso as to engagement of prisoner.

s. 22.

Debts not to bear interest from time of prisoner's discharge, unless specially ordered.

s. 23.

Assignees not to commence suits without consent of major part of creditors.

** "Dublin," in 53 Geo.3.c.158. I.*

s. 43.

Assignees with consent of major part of creditors

may compound
debts, or refer
them to arbitra-
tion.

* "Dublin," in
53 Geo. 3. c. 138.

I.

s. 25.

Discharge of
prisoner not to
affect mortgages
&c. nor super-
sede executions
delivered before
discharge.

s. 26.

Powers of leas-
ing, &c. of pri-
soner vested in
assignee.

major part in value of the creditors, who shall be present at a meeting to be had on 21 days' notice being previously given for that purpose in the [*London] Gazette, if the prisoner was in custody in [†London, or within the weekly bills of mortality] at the time of his discharge, and if not then in some newspaper which shall be published and circulated in the county, &c. in or near which such prisoner shall have been so in custody, to make composition with any person, who shall be a debtor or accountant to such prisoner, and to take such reasonable part of any debt as can upon such composition be gotten, in full discharge of such debt, and also to submit to arbitration any difference or dispute between such assignee and any person, on account or by reason of any matter relative to the estate, &c. of such prisoner. Provided (s. 25.) that nothing in this act shall prevent any mortgage, charge, or lien upon the estate of such prisoner, or any part thereof, made prior to his discharge, to take place upon the lands, &c. or personal estate, &c. comprised in or charged or affected by such mortgage, &c. nor to prevent any statute staple, statute merchant, recognizance, or judgment acknowledged by or obtained against such prisoner, prior to such discharge, to take place upon the lands, tenements, or real estates of such prisoner; and also where any inquisition shall have been taken upon any statute or recognizance, or any writ or execution shall have been taken out and delivered to the sheriff or proper officer upon any such judgment, before such prisoner shall have obtained his discharge, his personal estate shall be subject thereto, for so much as shall remain due, upon such estate, &c. as if this act had not been made. And whereas a prisoner who may be entitled to the benefit of this act, may be seised and possessed of, or entitled to lands, &c. to hold to him for the term of his life, or other limited estate, with power of granting leases [‡either at rack rents, or taking fines and reserving small rents, for one, two, or three lives, in possession or reversion, or for some number of years determinable

† "in the county of Dublin, or county of the city of Dublin." in 53 Geo. 3. c. 138. I.

‡ These words omitted in 53 Geo. 3. c. 138. I.

minable upon life or lives, or for years absolute,] or may have powers over real or personal estate, which he could execute for his own advantage, and which ought to be executed for the benefit of his creditors; this statute therefore enacts (s. 26.) that all powers of leasing, and other powers as aforesaid, over real or personal estate, which are or shall be vested in any such prisoner, shall be vested in the assignee, &c. of such prisoner by virtue of this act.

And this act provides (s. 27.) that nothing herein shall entitle the assignee, &c. of any prisoner being an officer of the army or navy, or beneficed clergyman or curate, to the pay of such officer, or the income of any benefice or curacy, for the purposes of this act: provided that it shall be lawful for such assignee to apply for and obtain a sequestration of the profits of any such benefice, for the payment of the debts of such clergyman, against which such clergyman shall have obtained a discharge under this act; and the order for such discharge shall be a sufficient warrant for granting such sequestration, without any writ or other proceeding to authorize the same; and such sequestration shall be issued as upon a *levari facias* founded upon any judgment against such clergyman: provided also, that it shall be lawful for said court to order such portion of the pay or half pay of every such officer, as on communication from said court to the [*secretary at war,] or the lords commissioners of the admiralty or their secretary, he or they may, respectively, consent to by writing under the hand of said [*secretary at war,] or the commissioners of the admiralty or their secretary, to be applied in payment of his debts, and for that purpose to be paid to his assignee, &c.; and such order and consent being lodged in the [†office of] the paymaster of his majesty's forces, or of the treasurer of the navy, as the case shall require, such [*pay master] or treasurer shall give orders accordingly, and such proportion of the pay or half pay as shall be specified in such order and consent, shall be paid to his assignee, &c. until said court shall

s. 27.

If prisoner be a clergyman, sequestration to be obtained, grounded on order for his discharge.

If prisoner be an officer of army or navy, order to be obtained from secretary at war, or commissioners of admiralty, &c. for appropriating portion of pay to payment of debts.

VOL. II.

2 I

make

* "chief secretary of the lord lieutenant, &c. of Ireland, or, in his absence, to the under secretary of the military department," in 53 Geo. 3. c. 158. I.

† "military department of the office of chief secretary to the lord lieutenant, &c. of Ireland," in 53 Geo. 3. c. 158. I.

s. 44. *Assignees may be removed, &c. upon petition of prisoner, or any creditor.* make order to the contrary. By s. 44. it shall be lawful for [*said court,] &c. from time to time, upon the petition of any [†prisoner,] or of any of his creditors, complaining of any insufficiency, fraud or misconduct of any assignee, to summon all parties concerned, and upon hearing said parties, to make such orders therein, either for the removal of such assignee and appointing a new assignee in his place, and for the prudent, just, and equitable management and distribution of the estate, &c. as said court shall think fit; and in case of the removal of any assignee, and the appointing of any new assignee, the estate, &c. of such prisoner shall from thenceforth be divested out of the assignee so removed, and be vested in and delivered over to such new assignee.

s. 45. *In case of death, incapacity, or refusal of assignee to act, new one appointed.* And by s. 45. in case of the death or incapacity of any such assignee, or in case any such assignee shall be unwilling to act, any creditor may apply to the court to appoint a new assignee, and said court shall have power to appoint such new assignee, and to oblige any assignee who shall be removed, and the heirs, executors, administrators and assigns of any deceased assignee, to account for and deliver up all such estate and effects, [‡books, papers, writings, deeds and other evidences relating thereto,] as shall remain in his or their hands, to be applied for the purposes of this act; and the decision of said court thereupon shall be final. By s. 46.

s. 46. *Assignees, &c. not paying over balance of estate in their hands, committed to county gaol.* in case any assignee, &c. or the heirs, executors, or administrators of any deceased assignee, shall not deliver over any part of such estate or effects, or pay the balance of the produce of any such estate, &c. found to be in his or their hands, according to the order of said court, it shall be lawful for said court, [‡by warrant under the hand and seal of said commissioner, directed to the proper officer of said court to be appointed for that purpose,] to order such person or persons to be arrested and committed to the next county gaol, there to remain without bail or mainprize, until such person, &c. shall have obeyed such order, and paid all such costs as said court shall award in respect thereof, or until such court shall make further order to the contrary. By

* "the court by which any such person shall be discharged," in 53 Geo. 5. c. 138. I.

† "person so discharged," in 53 Geo. 5. c. 138. I.

‡ These words omitted in 53 Geo. 5. c. 133. I.

By s. 29. no prisoner who shall have obtained his discharge by virtue of this act shall, so long as the same shall remain in force, be imprisoned by reason of any judgment or decree obtained for payment of money only, or for any debt, damages, contempt for non payment of money, costs or sums of money contracted, incurred, occasioned, owing or growing due, with respect to which such discharge shall have been obtained, but that upon every such arrest it shall be lawful for any judge of the court from which such process shall have issued, upon shewing him the copy of the order for such discharge, and upon affidavit that such discharge shall remain in force, to release from custody such prisoner; and at the same time, if such judge shall think fit, to order the plaintiff, or other person suing out such process, to pay such prisoner the costs which he shall have incurred on such occasion, or so much as shall seem just, such prisoner causing a common appearance to be entered for him in such action, &c. : *Provided (s. 30.) that no prisoner shall be discharged, by virtue of this act, of any debt or other matter accrued or incurred subsequent to the application of such prisoner to be so discharged; and if it shall appear to the court [†to be established by virtue of this act,] that any prisoner applying to be discharged stands charged in custody with any debt or other matter accrued or incurred subsequent as well as previous to such application, then it shall be lawful for such court to discharge the person of such prisoner, only, from such debts, &c. as had accrued, &c. previous to such application, and to remand him back to the custody of the keeper of the prison from whence he was brought, for all debts, &c. for which he shall stand charged, and which shall have accrued, &c. subsequent to such application. And by s. 31. if any action of escape or other suit be brought against any judge, justice of the peace, sheriff, gaoler or keeper of any prison, or other person, for performing the duty of his office in pursuance of this act, he may plead the general issue, and give this act in evidence; and if the plaintiff be nonsuited or discontinued

s. 29.

If prisoner arrested for debt, &c. from which he has been discharged, judge of the court out of which process issued shall release him, &c

Costs awarded,

s. 30.

Proviso as to debts incurred subsequent to prisoners application for his discharge.

s. 31.

If action of escape, &c. be brought in respect to discharge of prisoner, &c. general issue pleaded, &c.

* The 53 Geo. 3. c. 138. I. contains here a special proviso (s. 30.) as to Prisoners discharged by inferior courts.

† These words omitted in 53 Geo. 3. c. 138. I.

s. 32.

*If action brought
against prisoner
upon judgment
&c. from which
he has been
discharged, he
may plead
general issue, &c.*

continue his action, or verdict shall pass against him, or judgment be had upon demurrer, the defendant shall have treble costs. And by s. 32. if any *scire facias*, or action of debt or upon judgment, or other suit or action, shall be brought against any prisoner, his heirs, executors or administrators, upon any judgment obtained against such prisoner, or any statute or recognizance acknowledged by him, or other cause of action from which he shall have obtained his discharge by virtue of this act, [*except under the order of the court to be established by virtue of this act,] such prisoner, his heirs, &c. may plead, generally, that such prisoner was duly discharged from such debt, &c. according to this act, by the order by which such discharge shall have been obtained, and that such discharge remains in force, without pleading any other matter specially, whereto the plaintiff shall or may reply generally, and deny the matters pleaded as aforesaid, or reply any other matter which may shew the defendant not entitled to the benefit of this act, or that such prisoner was not duly discharged, in the same manner as the plaintiff might have replied, in case the defendant had pleaded this act, and his discharge by virtue of it, specially, and if the plaintiff be nonsuited, discontinue, or verdict pass against him, or judgment be had on demurrer, the defendant shall have double costs.

s. 13.

*Any creditor
may, within a
year, apply to
the court, &c.
to annul dis-
charge improp-
erly obtained.*

Provided (s. 13.) that in case any creditor shall, within one year after the date of the order for the prisoner's discharge, apply to [†said] court to avoid such discharge as improperly obtained, and it shall appear, &c. to such court that such prisoner has acted in any manner fraudulently in obtaining such discharge, or has wilfully concealed any of his estate, &c. by not specifying or not properly specifying the same in his schedule, for the purpose of depriving the creditors against whom he shall have obtained his discharge of the benefit thereof, it shall be lawful for said court to declare such discharge void; and it shall thereupon be lawful for any creditor against whom such discharge shall have been obtained, to proceed

* "except under the judgment to be entered by virtue of this act," in 53 Geo. 3. c. 138. I.

† "the court by which such order was made," in 53 Geo. 3. c. 138. I.

ceed as if the same had not been obtained, such creditor relinquishing all benefit of the assignment of the estate, &c. of such prisoner which shall remain unapplied by the assignee, &c.; and any of such creditors who shall have detained such prisoner in custody at the time of such discharge, shall be at liberty to apply to such court to re-
Creditor may in such case proceed as if no discharge, relinquishing his claim to effects in hands of assignee.

mand such prisoner into custody, on the same process from which he had been so discharged; and such court shall have power to [*remand such prisoner accordingly, by warrant under the hand and seal of the commissioner of said court, which warrant shall be executed by an officer of said court to be appointed for such purpose;] and so much (if any) of the estate, &c. of such prisoner as shall then remain in the hands of the assignee, after paying all the just charges and expenses of such assignee, to be allowed by said court, shall be reconveyed or paid to such prisoner as said court shall direct; but so much of said estates, &c. as shall have been before applied in payment of the debts of such prisoner, shall be retained by the creditors who shall have received the same in part of their respective demands, excepting only the creditor or creditors who shall apply to the court to avoid such discharge, who shall repay the dividend received by him or them to the assignee, &c. before such order, declaring such discharge void, shall be delivered out by said court. And by s. 14.

in case any prisoner shall become able to pay all or any part of the debts due from him, and against which he shall have obtained his discharge, after a reasonable allowance for the maintenance of such debtor and his family, and payment of his debts contracted after his discharge, or to which such discharge did not extend, any creditor against whom he shall have obtained such discharge may apply to the court for liberty to proceed against such debtor, notwithstanding such discharge; and in case it shall appear to the satisfaction of such court, that such debtor is of ability to pay such demand, or any part thereof, it shall be lawful for such court to revoke such discharge, either wholly, or upon payment of such sum of money for the benefit of the persons against whom such discharge shall have
s. 14.
If prisoner after his discharge, becomes able to pay all or part of debts, what proceeding courts may take for relief of creditors.

* "make an order that such prisoner shall be remanded accordingly," in 53 Geo. 3. c. 138. I.

*If application
vexatious, costs
awarded.*

s. 17.
*If prisoner dis-
charged dies
leaving assets,
creditors may
apply for liberty
to proceed on
judgment enter-
ed on his en-
gagement, to re-
cover part of
debts unsatis-
fied.*

have been obtained, either in gross, or by several payments, as to such court shall appear reasonable, [*or] to permit execution to be taken out on the judgment entered up in such court upon the engagement of such prisoner, for such sum of money as said court shall think fit, to be distributed rateably amongst the creditors entitled under such engagement; and such proceedings shall be had according to the discretion of said court from time to time, until the whole of the debts due to the several persons against whom such discharge shall have been obtained, shall be fully paid and satisfied, together with such costs as such court shall think fit to award: provided that in case any such application shall appear to the court to be ill founded and vexatious, the court may not only refuse to make any order on such application, but dismiss the same, with such costs as to the court shall appear reasonable.

By s. 17. in case any prisoner shall die leaving assets, real or personal, after payment of all his debts, exclusive of those from which he shall be discharged, it shall be lawful for the person or persons entitled to so much of such debt or debts from which such discharge shall have been obtained as shall remain unpaid, to apply to [†said court] for liberty to proceed on the judgment entered in said court on the engagement of such prisoner, in order to obtain payment thereof, and such court shall make such order thereupon as shall be just; and the heirs, executors, &c. of such prisoner shall apply the assets in their hands according to such order, but without prejudice to the demands of any other creditors, all of which shall be first paid or satisfied: Provided that in case it shall be made appear to such court, that the estate or effects of such prisoner assigned, &c. under this act, would have been sufficient, if properly managed, to satisfy all the debts from which he was discharged, or to have satisfied a larger proportion

* "or it shall be lawful for the court wherein judgment shall be entered as aforesaid, on application to such court," here added in 53 Geo. 3, c. 138. I. and the 54 Geo. 3, c. 23, s. 14. E. post is to be here referred to.

† "the court wherein such judgment shall be entered as aforesaid" in 53 Geo. 3, c. 138. I.

proportion than shall have actually been paid therewith, then such court shall not authorize any further proceedings against such prisoner, or his assets, except for so much of the debts as could not have been satisfied out of the estate, &c. so assigned, in case the same had been properly managed: provided that in no case interest shall be [*allowed on any such debt from the time of such discharge, until said court shall order that interest shall again run upon debts bearing interest,] which shall be wholly in the discretion of said court as herein-after provided.

This act recites (s. 47.) † that persons are often committed by the courts of law and equity for contempts in not paying money ordered or awarded to be paid, and also for not paying of costs duly taxed and allowed by the proper officer, after proper demands made for that purpose, and

s. 47.

Persons committed for contempt, &c. entitled to the benefit of this act.

also upon the writ *de excommunicato capiendo*, or other process for or grounded on the non-payment of money, costs or expenses, in some cause or proceeding in some ecclesiastical court, or for contempt of such court for non-payment of money, costs or expenses, and therefore enacts, that all such persons shall be entitled to the benefit of this act, on and subject to the same terms, &c. as herein expressed with respect to prisoners for debt only.

And on the other hand this act provides, (s. 33.) that in case it shall appear to the satisfaction of the court [‡to be established by virtue of this act,] that any prisoner who

s. 33.

Prisoners who have wasted or fraudulently disposed of their estate, or part thereof, not entitled, &c.

shall apply for a discharge by virtue of this act, has wantonly wasted his estate whilst in prison, or fraudulently disposed thereof, or any part thereof, with intent to deprive his just creditors of the benefit thereof, or has wilfully remained in prison although entitled to be discharged therefrom by virtue of this act, or otherwise with intent to consume his property in prison, instead of applying the same to the discharge of his just debts, such prisoner shall not be entitled to the benefit of this act, unless on special circumstances the said court shall think fit to grant such discharge

* "recovered on such judgment on any such debts, until the said court shall order the same," in 53 Geo. 3. c. 138. I.

† The enactment of this clause was the object of the 42 Geo. 3. c. 13. E.

‡ "which shall decide as to the discharge of any prisoner." in 53 Geo. 3. c. 138. I.

s. 34.

*Attornies,
solicitors, and
servants, &c.
embezzling or
fraudulently
concealing
money received
for the use of
others, not en-
titled, &c. until
after 10 years'
imprisonment,
&c.*

*Fraudulent
trustees exclu-
ed.*

s. 35.

*Persons obtain-
ing money, &c.
or credit by
false pretences,
no. entitled, &c.
until after 5
years imprison-
ment, or cre-
ditors consent.*

*Tenants
fraudulently
removing their
stock, &c. in like
manner exclud-
ed.*

s. 36.

*Persons suffer-
ing their bail,*

discharge. And by s. 34. nothing in this act shall extend to release or discharge any attorney at law, solicitor, or other person acting or pretending to act as such, with regard to any debt or demand for any money or other effects recovered or received by him for the use of any person or body corporate, and by such attorney, &c. embezzled, concealed, or converted to his own use; or to release, &c. any servant or other person employed or entrusted at such, with regard to any debt or demand for or on account of any money, goods, or other effects received or possessed by him for the use and account of his master or employer, and by such servant, &c. so embezzled, concealed, or converted to his own use; or to release, &c. any person with regard to any debt or demand arising from or created by any breach of trust or confidence; unless the person to whom such debt, &c. shall be due shall consent to such discharge, or unless such prisoner shall have been confined in prison for such debt or demand, for 10 years before he shall apply for his discharge by virtue of this act. And by s. 35. no prisoner who knowingly and designedly, by any false pretence, or under any fictitious name assumed for the purposes of obtaining credit, or by any other fraudulent means, shall have obtained from any person money, goods, wares, merchandizes, bonds, bills of exchange, promissory notes, or other securities for money, or other effects; or who shall have contracted any debt by fraudulently obtaining false credit, or by any other fraudulent means; or who shall have fraudulently removed or caused to be removed any stock, cattle, goods or effects of the value of [£30,] which were liable to be distrained by his landlord for any rent, whereby such landlord shall have lost all or some part of such rent, shall have any discharge under this act, from the debt, &c. arising from or remaining due in consequence of such fraudulent conduct, unless the person who shall be entitled to such debt, &c. shall consent to such discharge, or such prisoner shall have been confined in prison for such debt, &c. for 5 years before his applying for his discharge by virtue of this act. And by s. 36. no prisoner who shall have suffered any person who has become bail or surety fo

* £10 in 53 Geo. 5, c. 138. I.

for him to be charged in respect of such bail, &c. shall be discharged by virtue of this act from any debt or demand arising on such account, without the consent of the person entitled to such debt, &c. And by s. 37. no person who shall be charged in execution for damages recovered in any action for criminal conversation with the wife of the plaintiff, or in any action for seducing or carnally knowing the daughter or female servant of the plaintiff, or in any action for a malicious prosecution or other malicious injury, shall have any discharge from such debt or damages under this act, unless the person entitled to the benefit of such debt, &c. shall consent to such discharge, or unless such prisoner shall have been confined in prison for 5 years before his applying for his discharge under this act. And by s. 38. no prisoner against whom any commission of bankrupt shall have issued and shall remain in force, and who shall not have obtained his certificate, &c. shall be entitled to be discharged by virtue of this act from any debt for which he shall be detained in custody, and which might have been proved under such commission, unless he shall have been so detained in prison for 5 years before applying for his discharge. And this act (s. 39.) recites, that debtors may, with a view to defraud their creditors, sell, transfer, convey, or assign their estate and effects, or some part thereof, but it may be difficult to prove that such sale, &c. was made with a fraudulent design; and therefore enacts, that whenever it shall be proved by a credible witness, or by the confession of any prisoner who shall apply for his discharge under this act, that such prisoner has, since the time of contracting any debt from which he shall seek to be discharged, sold, transferred, conveyed or assigned all or any part of his estate, &c. [*subsequent to the time of his imprisonment,] without just cause, to be determined by the court [*to be established by virtue of this act,] and such sale, &c. shall remain in force so that the creditors cannot have the benefit of such estate, &c. under this act, without suit at law or equity, every such prisoner shall lose all benefit of

or sureties to be charged, not entitled, &c.

s. 37.

Persons in execution for damages, &c. in crim. con. actions, &c. not entitled, &c. until after 5 years' imprisonment or with creditors consent.

s. 38.

Uncertificated bankrupts not hereby discharged from debts proveable under the commission, unless imprisoned 5 years.

s. 39.

Prisoner who has executed (without just cause) any conveyance subsequent to his being indebted and imprisoned, not to be discharged, unless all his creditors consent.

* These words omitted in 3 G. 3. c. 138. I.

s. 41.
Prisoner making partial conveyance within 5 years before application for his discharge, not to have benefit of this act, unless such conveyance relinquished, or creditors consent

s. 40.
Prisoners losing, while in prison, £10 in a day, or £50 in the whole, not to be discharged, unless creditors consent, or after 5 years' imprisonment.

s. 50.
Persons discharged under former insolvent act, within 5 years, not entitled under this.

this act, unless all the creditors against whom he shall so seek to be discharged will consent to such discharge. And by s. 41. if any prisoner seeking the benefit of this act, shall appear to the court [*to whom application shall be made for such purpose,] to have made, within 5 years before his application to be discharged, any conveyance or assignment of all or any part of his estate, &c. in trust or otherwise, for the benefit of any particular creditor or creditors, with an intent to give an undue preference, &c. such prisoner shall have no benefit of this act, unless such person or persons for whose benefit such conveyance, &c. shall have been made, shall first relinquish the same, and all such estate, &c. shall be conveyed or delivered [†to] such person or persons as the court shall direct, for the benefit of all the creditors, under the provisions of this act: or unless all the creditors against whom such discharge shall be sought shall consent thereto. And by s. 40. nothing in this act shall extend to discharge or release any prisoner who hath or shall have lost (since his commitment to prison for any debt with which he shall stand charged at the time when application shall be made for his discharge under this act,) the sum or value of £10 in one day, or £50 in the whole since such commitment as aforesaid, in playing at or with cards, dice, tables, tennis, bowls, billiards, or any other game, or in or by bearing a share or part in the stakes, wages or adventures, or in or by betting on the sides or hands of such as do play as aforesaid, unless all the creditors against whom he shall so seek to be discharged shall consent to such discharge, or unless such prisoner shall have been confined in prison for 5 years at least, since such money was so lost. And this act further provides, (s. 50.) that no person who shall have taken the benefit of any act heretofore passed for the relief of insolvent debtors shall have the benefit of this act, so as to be discharged under the same, until 5 years from his former discharge; unless from special circumstances

* "who shall decide as to the discharge of such prisoner." in 53 Geo. 3, c. 138. I.

† The 53 Geo. 3, c. 138. I. has here the word "by,"

cumstances the [*said court] should be of opinion that it would be just that such prisoner should be again discharged by virtue of this act. And by s. 52. no person who shall have been at any time discharged by virtue of this act, shall again be entitled to the benefit thereof within 5 years after such discharge, unless three fourths in number and value of the creditors, against whom he shall so seek to be discharged, shall signify their assent, &c. or it shall be made appear to the satisfaction of the [*court to be established by virtue of this act,] that such person has since his former discharge endeavoured by frugality to pay all just demands upon him, and has incurred no unnecessary expense, and that the debts which he has incurred, subsequent to such former discharge, have been necessarily incurred for the maintenance of such person, or his family, or that his insolvency has arisen from misfortune, or from inability to acquire subsistence for himself and his family, or from debts incurred prior to such former discharge to which such discharge did not extend, or from debts incurred subsequent to such discharge in consequence of engagements entered into or acts done prior to such discharge. And by s. 51. no prisoner seeking the benefit of this act shall be discharged with respect to any debt or penalty with which he shall stand charged at the suit of the crown, or of any person, for any offence against any act of parliament relative to the customs, excise, stamp [†or salt] duties, or any of them, or any branches of the said public revenue, or at the suit of any sheriff or other public officer, upon any bail bond entered into for the appearance of any person prosecuted for any offence committed against any act relative to the customs, &c. or any other branches of the public revenue; unless [‡ 3 of the lords commissioners of the treasury] for the time being shall certify, under their hands, their consent to the discharge of such prisoner, upon the terms prescribed by this act.

s. 52.

Persons discharged under this act, not again entitled within 5 years, unless three fourths of creditors consent, or insolvency satisfactorily accounted for.

s. 51.

No prisoner for debt or penalty incurred by breach of revenue laws, or for forfeited recognizance, discharged without consent of three commissioners of treasury.

* "court to whom such person shall apply for his discharge," in 53 Geo. 3. c. 138. I.

† Salt duties are not included in this clause of 53 Geo. 3. c. 138. I.

‡ "3 of the commissioners for executing the office of lord high treasurer in Ireland," in 53 Geo. 3. c. 138. I.

s. 53. *Foreigners not entitled to benefit of this act, except under special circumstances.* act. And by s. 53. no person not being a natural born subject of this realm shall have the benefit of this act, except under such circumstances, and on such terms, as to said court [*to be established by this act] shall seem fit.

s. 54. *Prisoners allowed time to answer objections to their discharge for misconduct.* This act provides (s. 54.) that that if any objection shall be made to the discharge of any prisoner on the ground of his misconduct, and it shall appear to said court that such prisoner might not have been aware of such objection, such court shall allow him sufficient time to answer such objection; and shall also, if necessary, require such objection to be stated in writing to such prisoner, so that he may be fully apprized thereof. And by

s. 55. *If misconduct was trivial, &c. court may discharge prisoner.* s. 55. in case it shall appear to the satisfaction of said court, that any misconduct which shall be attributed to any prisoner, to prevent his discharge, although strictly within the meaning of this act, was attended with such circumstances, or the injury thereby done was to so small an amount, that it may not be fit that such prisoner should on that account be deprived of the benefit of this act, it shall be lawful for said court to discharge the prisoner, either in the same manner as if such objection had not been made, or on such further terms as to said court shall appear reasonable: provided also that if it shall appear to the satisfaction of said court, that any debt was contracted by any prisoner under any fraudulent circumstances not provided for by this act, it shall be lawful for said court to except such debt from the discharge to be granted to such prisoner, either absolutely, or upon such terms as to said court shall appear proper; and if such prisoner shall be in actual custody for such debt, it shall be lawful for said court to remand such prisoner according to its determination upon such debt. † And by s. 56. if any

s. 56. *If prisoner appears insane, gaoler shall require a justice of peace to in-* person, being a prisoner in any such prison upon such process as aforesaid, shall be or become of unsound mind, the gaoler or keeper of such prison shall, forthwith, require

* "to which such person shall apply to be discharged," in 53 Geo. 3. c. 138. I.

† The 53 Geo. 3. c. 138. I. contains here a proviso as to courts sitting under different commissions.

quire one justice of the peace (or more) [* for the county, &c. wherein such prison shall be,] to attend at said prison, and inquire into the state of mind of such prisoner; and thereupon, and also in case any such justice shall receive information by other means that any such prisoner is of unsound mind, such justice, &c. shall go to said prison, and by his own view, and by examination on oath of such person or persons as he shall think fit to examine, shall inquire into the state of mind of such prisoner; and if it shall appear to such justice upon such inquiry, that such prisoner is of unsound mind, such justice shall forthwith make a record of the fact, and certify the same [† to the court to be established by virtue of this act;] and thereupon it shall be lawful for such court, at the instance of any person on behalf of such prisoner, to order notice to be inserted in the [‡ London] Gazette, and 2 or more public newspapers usually circulated in the neighbourhood of such prison, and in the neighbourhood of the usual residence of such prisoner before he was committed to such prison, as said court shall see fit, and shall in such order specify and direct that application will be made to such court § for the discharge of such prisoner on a day, to be specified in such order, being 20 days at least from the day of publication of such one of such gazette and newspapers, containing such notice, as shall be last published; which notice, together with service of the like notice on the creditor or creditors at whose suit such prisoner shall be detained in custody, or his or their attorney or attornies in such suit, shall be deemed sufficient to authorize said court to proceed to the discharge of such prisoner, if otherwise entitled to such discharge; and such court shall discharge such prisoner, in case it shall appear that he might have obtained his discharge under this act, if of sound mind; and thereupon

quire into the circumstances, and certify them to the court.

Such prisoner discharged by court, (if otherwise entitled,) notice to creditors being first inserted in gazette, &c. 20 days before his discharge.

* "within whose jurisdiction such prisoner shall be," in 53 Geo. 3. c. 138. I.

† "to the court to which such prisoner might, if of sound mind, present his petition to be discharged by virtue of this act;" in 53 Geo. 3. c. 138. I.

‡ "Dublin," in 53 Geo. 3. c. 138. I.

§ "or to the court of assize in manner herein-before mentioned," here added in 53 Geo. 3. c. 138. I. see 54 Geo. 3. c. 25. E.

Assignment
thereupon
ordered to be
executed by
clerk of the
court, or com-
mittee of lunatic

thereupon such court shall direct an assignment, &c. to be made of the estate, &c. of such prisoner, [*and engagement for the payment of his debts,] according to the provisions of this act, to be executed by the clerk of said court in the name and on the behalf of such prisoner; which conveyance [*and engagement] shall be made accordingly, unless such prisoner shall have been found a person of unsound mind by inquisition taken under a commission in the nature of a writ *de lunatico inquirendo*, in which case such conveyance, &c. shall be executed by the committee of such lunatic, in such manner as shall be directed by the lord chancellor, &c. or such person or persons as shall be authorized by the royal sign manual to provide for the care and custody of the persons and estates of persons found lunatic by inquisition; and such conveyance, &c. shall vest the property of such prisoner in the person or persons to whom the same shall be directed by said court to be conveyed, and shall bind such prisoner, his heirs, executors and administrators, as fully as if such conveyance, &c. had been duly executed by such prisoner.

s. 28.

Perjury under
this act how
punished.

By s. 28. if any prisoner who shall apply for his discharge under this act, or any other person taking an oath under this act, shall wilfully forswear and perjure himself, and shall be lawfully convicted, he shall suffer the punishment of wilful and corrupt perjury. And by s. 48. in all

s. 48.

Perjury by
quakers.

cases wherein by this act an oath is required, the solemn affirmation of any person being a quaker shall be taken in lieu thereof; and every person who shall be convicted of wilful false affirmation, shall incur the penalties of wilful and corrupt perjury. By s. 24. the proper officer of said court

s. 24.

Proper officer to
produce to pri-
soner, &c.
petition, orders,
&c.

shall, on the reasonable request of such prisoner, or of any creditor, or his attorney, produce to such prisoner, creditor, or attorney, at such times as said court shall direct, such petition, schedule, oath, order, and judgment, and all other orders and proceedings in such matter; and a true copy of every such petition, &c. signed by the officer in whose custody the same shall be, or his deputy, certifying the same to be a true copy, without being written on stamped

* Vide 54 Geo. 3. c. 53. s. 13. & 14, *post*.

stamped paper, shall be admitted in all courts whatsoever as legal evidence of the same respectively.

[*By s. 57. it shall be lawful for the commissioner of the court to be established by virtue of this act, to appoint such and so many officers of such court for carrying into execution the purposes of this act, as the lord chancellor,

s. 57.

Subordinate officers of the court established by this act how appointed.

&c. together with the lord chief justices of the king's bench and common pleas, and the chief baron of the exchequer, for the time being, shall from time to time deem necessary; and such court shall be always open, and shall be ordinarily holden in some convenient place or places in the cities of London or Westminster, or in the county of Middlesex, within the bills of mortality.

Court when and where holden.

It is hereby provided †(s. 49.) that it shall be lawful for the court to be established by virtue of this act, to amend matters of form, and to supply omissions, and correct errors, in the petition, schedule, or other proceedings directed by this act, (whereby prisoners might be deprived of the benefit of this act,) in case the same shall appear to have arisen from ignorance, mistake or inadvertency, and not to have been wilful and fraudulent.] ‡ By s. 59. this act shall continue in force until 1st November, 1818, and thenceforth until the end of the then next session of parliament. And it was provided by s. 60. that this act, or any part thereof, might be repealed or altered by any act in the session wherein it was enacted.

s. 49.

Formal errors, &c. in petition, &c. amended.

s. 59.

Duration of act.

s. 60.

May be repealed, &c.

The 54 Geo. 3. c. 23. E. amends the 53 Geo. 3. c. 102. s. 57. *supra*, by enacting that it shall be lawful for the commissioner appointed or to be appointed by virtue of said act, to hold the court thereby established, and to exercise his office as occasion shall require, in any part of England; but such commissioner shall at all times have an office, in some convenient place, either in the cities of London or Westminster, or in the county of Middlesex, within the bills of mortality, for the dispatch of business.

Commissioner may hold his court in any part of England, but to have an office in London, &c.

54 Geo 3. c. 23. s. 1. E.

And

* This clause (s. 57,) is not contained in the 53 Geo. 3. c. 138. I.

† The 53 Geo. 3. c. 138. I. does not contain any clause similar to this. (s. 49.) but the 56 Geo. 3. c. 126. I. which amends this act, has adopted it.

‡ The clause (s. 58.) which formed a court of appeal is repealed by the 54 Geo. 3. c. 23. s. 16. E.

s. 2.
Oath verifying
petition, &c.
need not be
taken, &c. be-
fore presenting
it :

s. 3.
But upon or
after the ex-
amination of
prisoner.

s. 4.
Service of
notices of peti-
tion, &c. as re-
quired by 53
Geo 3. c. 10²,
may be dis-
pensed with.

Notice in
Gazette, &c.
substituted.

And this act (s. 2.) repeals so much of the 53 Geo. 3. c. 102. s. 1. as requires the oath (verifying the petition and schedule) to be taken before the presenting of the prisoner's petition and to be filed therewith, and that notice thereof should be given as provided by said act; and enacts, (s. 3.) that instead thereof such petition shall contain an offer to take the oath required by said act, in such form as the circumstances of the case shall require; and that said oath shall be taken upon or after the examination of such prisoner under said act, and shall, thereupon, be filed as said act directs; and that the notice required by said act to be given upon the order made on such petition shall not extend to such oath: provided that in all cases in which such oath shall have been taken before the passing of this act, (10th December, 1813,) the same shall be of the same effect as if this act had not been made, and the said court shall proceed therein accordingly, if said court shall think fit. And by s. 4. in all cases in which notices of the petition of any prisoner for his discharge, and of his schedule, and a copy of the order on such petition, are required by said act (s. 1. *ante* p. 260.) be served on creditors, or persons claiming to be creditors, it shall be lawful for the court thereby established to dispense with such service, and to order that notice of such several matters may be in the form or to the effect expressed in the schedule to this act, marked (A), or in such other form, &c. as said court shall direct, and that such notice may be given either by advertisement in the London Gazette, or other newspaper or newspapers, or in such other manner as said court shall see fit; and notices on behalf of several prisoners may be comprised in the same advertisement or instrument, if said court shall so order; and it shall be lawful for said court either to direct lists of the creditors, or persons claiming to be creditors, of each of such prisoners to be annexed to such notice, or to direct that such notice shall refer to the schedule delivered by each of such prisoners, filed in the proper office of said court; and such notice so given shall be deemed sufficient notice to the creditors described in such list, or in such schedule, as the case may be; and said

said court may order any other notice required or authorized by said act, or by this act, to be given by advertisement in any newspaper or newspapers, or in any other manner as to said court shall seem fit. And by s. 5. in case of defect in the form or manner of service of any notice required or authorized by said act, or by this act, or in the insertion of such notice in the London Gazette, or in any newspaper, or in any mode of notice ordered by said court, said court may, from time to time, adjourn the hearing of any petition, and make such further order respecting the same, or respecting such notice, as to said court shall appear reasonable. And by s. 6. in case any advertisement to be inserted under the authority of said act, or of this act, in any newspaper, shall contain more than 50 words, there shall be paid for the insertion thereof, at the rate of 6*d.* for every 10 words in such advertisement beyond the number of 50 words, over and above the sum of 3*s.* mentioned in said act, (*ante* p. 261.) And this act further provides (s. 7.) that in the adjudication of said court that any prisoner is entitled to the benefit of said act, and the order thereon, it shall not be necessary to specify the several creditors, and persons claiming to be creditors, as required by said act, (s. 10. *ante* p. 264.) but it shall be sufficient, if said court shall think fit, to refer in such order to the schedule sworn to by such prisoner, specifying such creditors, &c. either generally or specially, or with such exceptions as the circumstances of the case shall appear to the court to require. And by s. 8. said court shall have power, by any order for that purpose, to require the sheriff, keeper or gaoler of any prisoner, or any other officer having the custody of any prisoner, to bring before such court, or any justices of the peace at any quarter session, or adjourned or special session of the peace, [*or out of session,] as to said court shall seem fit, any such prisoner, for any of the purposes authorized by said act; which order every such sheriff, &c. shall obey; and for so doing, such order shall be a sufficient warrant. And by s. 9. in case said court, instead of ordering any prisoner to be brought before said court for examination, shall direct him to be examined before his majesty's

Other notices ordered to be given by advertisement.
s. 5.
If service of notice defective, court may adjourn hearing of petition.
s. 6.
Additional payment for advertisements.
s. 7.
Order discharging prisoner need not specify the several creditors.
s. 8.
Court may order sheriff, &c. to bring prisoner before court, or justice of peace.
s. 9.
Where prisoner is brought before justices, creditor may oppose his discharge.

*Determination
of justices cer-
tified to court.*

*In what cases
discharge may
be opposed
before court.*

*s. 10.
Notice of the
examination of
prisoner before
justices how gi-
ven.*

*s. 11.
Court may ex-
amine gaolers,
&c. on oath,
touching the
execution of this
act.*

majesty's justices of peace for any county, &c. at a general session of the peace or any adjournment thereof, and it shall appear to said court to be proper to authorize such justices to certify their opinion whether such prisoner is entitled to be discharged under said act, any creditor may oppose such discharge before such justices, who shall, thereupon, determine whether such prisoner is or is not entitled to the benefit of said act, and shall certify such determination to the said court thereby established, and it shall, thereupon, be lawful for said court to adjudge accordingly, as if such prisoner had been brought before said court; and it shall not be lawful for any creditor, or person claiming to be a creditor of such prisoner, to oppose his discharge before said court, unless due notice shall not have been given to such creditor, &c. according to the order of said court for that purpose, or unless some fraud or improper conduct of such prisoner, or some irregularity not in question before said justices, shall be made appear to said court. And by s. 10. the notice to be given of the examination of any prisoner before justices of peace at their quarter session, or any adjournment thereof, may be given by advertisement in some public newspaper, according to the order of said court, in the form or to the effect expressed in the schedule to this act marked (B.) or in such other form, &c. as said court shall direct: and any number of prisoners may be included in such notice, if said court shall so order. And this act (s. 11.) empowers said court, and also the justices of peace to whom the examination of any prisoner shall be referred by said court, by their order respectively, to cause the keepers or other officers of any prison, or any other person, to come before such court or justices, as the case shall require, and to examine such gaolers, &c. or other person, respectively, on oath, touching any matter relating to the execution of said act, and of this act, as to said court and justices respectively shall seem fit; and provides, that if any such gaoler, &c. shall wilfully forswear or perjure himself on such examination, and shall be lawfully convicted thereof, he shall suffer the punishment of wilful and corrupt perjury. And by s. 12, all sheriffs, gaolers

gaolers, keepers or other officers of any prison, who have done or shall do any thing in obedience to any order of said court, or of any justice or justices of peace authorized by any order of said court by virtue of said act, or this act, are hereby indemnified for any thing so done, and every such order shall be a sufficient discharge to such sheriffs, &c. and indemnify them, respectively, against any escape or action for escape, or other action, brought against them, &c.; and such sheriffs, &c. shall and may plead to any such action the general issue, and give the said act and this act in evidence, and on production of such order as aforesaid a verdict shall be given for the defendant; and the defendant shall have treble costs of such verdict, or of a nonsuit, discontinuance, or judgment for him upon demurrer. And this act provides, (s.13.) that in case no fit person shall be willing to accept the office of assignee under the 53 Geo. 3. c. 102. E. it shall be lawful for said court to order the estate and effects to be assigned to an officer of said court, to be appointed for that purpose, and to be called, "The provisional assignee of insolvent debtors in England;" and such estate, &c. shall be thereby vested in such provisional assignee and his successors, and shall not remain in him if he shall resign or be removed from his office, or in his heirs, &c. in case of his death, but shall be vested in his successor in office; but such officer shall not be bound to do any act with respect to such estate, &c. except to convey, &c. to any person or persons to be appointed by said court assignee or assignees thereof; but in case no person will accept the office of assignee, &c. of such estate, &c. and the same shall therefore remain vested in such provisional assignee, and it shall appear that there are or may be estate or effects which may be applicable to payment of the debts of such prisoner, it shall be lawful for said court to make such order for the preservation and care thereof as to such court shall seem necessary, and to appoint a receiver or receivers of such estate, &c. with such allowances, and giving such security for the same, as to said court shall seem fit; and such receiver, &c. shall duly account for and apply such estate, &c. under the order of

s. 12.

*Sheriffs, &c.
indemnified for
obeying orders
of said court,
&c.*

*Pleading, &c.
in actions of
escape, &c.*

Treble costs.

s. 13.

*Provisional as-
signee appoint-
ed.*

*If property re-
mains vested in
provisional as-
signee, court
may appoint a
receiver, &c.*

said

s. 14.

Recognizance to be entered into by prisoner instead of engagement.

Proceedings upon recognizance as upon engagement and judgment thereon :

Costs, &c. of proceedings by whom paid.

s. 15.

Affidavits may be sworn before officer of court, master in chancery, or commissioner for taking affidavits.

said court, and shall sell and dispose of, or let and set the same if necessary, as said court shall direct, and shall be removed as said court shall think fit. This statute (s.14.) repeals so much of the 53 Geo. 3. c. 102. as requires any prisoner to execute an engagement for payment of the debts or demands of the persons against whom he shall be adjudged by said court to be entitled to the benefit of said act, and as directs any proceeding on such engagement; and enacts that, instead thereof, the said court shall require such prisoner to enter into a recognizance to the king for the full amount of such debts; and any creditor may apply to said court to have such recognizance put in suit, and the same shall be put in suit in pursuance of the order of said court, if said court shall see fit; but all proceedings thereon shall be subject to the order of said court, and any money which shall be recovered upon any such recognizance shall be paid and applied under the order of said court, in the same manner as any money which might have been recovered under such engagement, &c. might have been paid, &c. under the authority of said act; and said court shall in all cases proceed upon such recognizance as said court might have done, under the authority of said act, upon the engagement and judgment thereupon by such act required to be executed and entered: provided that in case any proceeding shall be had upon said recognizance, the creditor desiring the same shall be at the expense of all proceedings thereon, but shall be at liberty to retain such expenses, and all expenses attending any application to said court touching the same, out of any money to be recovered thereon, if said court shall so direct; and in case any application shall be made to said court for liberty to proceed on any such recognizance, such court shall order the costs of such application, or of any opposition thereto, to be paid as to said court shall seem just. And this act further amends the 53 Geo. 3. c. 102. by providing (s. 15.) that in case said court shall think fit, it shall be lawful for said court to receive affidavits of the service of any notice, or of any formal proceeding in the execution of said act, or of this act, such affidavits being sworn either before any officer of

of said court appointed by said court for that purpose, or before any master extraordinary in chancery, or any commissioner for taking affidavits in the court of king's bench, common pleas, or exchequer; and if any person making any such affidavit before any such officer, &c. shall wilfully forswear and perjure himself, and shall be lawfully convicted thereof, he shall suffer the punishment of wilful and corrupt perjury. By s. 17. this act is to continue in force until 1 November, 1818, and thenceforth to the end of the then next session of parliament. And it was provided by s. 18. that this act might be repealed or altered in the session in which it was passed.

s. 17.

Duration of act

s. 18.

Act repealed,

SCHEDULE (A.)

Notice to creditors of hearing petitions in court.

Notice to creditors of hearing petitions in court.

" By order of the court for relief of insolvent debtors, the
 " petition [or petitions] of *A. B.* late of and now
 " a prisoner in [or of *A. B.* late of, &c. *C. D.*
 " late of, &c. &c. &c.] will be heard on the

day of at

List of the creditors of the said *A. B.**E. F.* of*G. H.* of

or if such list shall not be added to such notice, there may be added:

" The names of the creditors of the said *A. B.* appear in
 " a schedule annexed to his petition, filed in the office of
 " the said court at to which any creditor may
 " refer.

SCHEDULE (B.)

Notice to the creditors of the examination of a prisoner before justices at their quarter sessions of the peace, and that such justices are authorized by the court to certify whether the prisoner is entitled to the benefit of the said act.

Notice to creditors of examination of prisoner before justices at sessions.

" By order of the court for relief of insolvent debtors,
 " *A. B.* late of and now a prisoner in
 " [or *A. B. C. D.* &c. as the case may be] will be examined before the justices of the peace for , as
 " sembled

“sembled at their quarter sessions of the peace at
 “on the day of , for the purpose of de-
 “termining whether the said *A. B.* is [*or the said A. B.*
 “*C. D. &c. as the case may be* are] entitled to the bene-
 “fit of the act for the relief of insolvent debtors; and all
 “creditors of the said *A. B.* [*or of the said A. B.*
 “*C. D. &c. as the case may be* are] required to attend
 “accordingly if they shall think fit.” The 53 Geo. 3.

56 Geo. 3. c. 102.
 s. 2. E.

*Notice to con-
 tain an offer of
 prisoner's sub-
 mitting to be
 fully examined.*

c. 102. E. is further amended by the 56 Geo. 3 c. 102.

E. which enacts (s. 2.) that in every notice directed to be
 given by said act, by any prisoner to his creditors, he
 shall declare that he is ready and willing to submit to
 be fully examined touching the justice of his conduct to his

s. 3.

*Certain coun-
 ties, &c. except-
 ed, at sessions of
 which prisoner
 shall not be
 examined.*

creditors. And by s. 3. it shall not be lawful for said
 court to order that any prisoner shall be examined at any
 session of the peace for the counties of Middlesex or
 Surrey, or for the cities or liberties of London and West-
 minster, or by any one or more justice or justices of the
 peace, out of session, for any county, riding, division or
 place whatsoever: but by s. 4. the court established by

s. 4.

*Before what
 courts prisoner
 must be ex-
 amined.*

virtue of the 53 Geo. 3. c. 102. and the courts of quarter
 sessions shall examine every prisoner touching the justice
 of his conduct towards his creditors: and by s. 5. the

s. 5.

*Proceeding of
 quarter sessions
 upon such ex-
 amination.*

courts of quarter sessions for any county, &c. at which
 any prisoner shall be examined, shall declare, in open
 court, whether such prisoner has acted with gross injustice
 towards his creditors, or not, and shall certify their de-
 termination thereon to the court established by said act:

s. 6.

*Prisoner to
 give special
 notice of his
 examination at
 sessions, or be-
 fore court.*

provided (s. 6.) that no prisoner shall be entitled to be
 examined under the 53 Geo. 3. c. 102. at any quarter
 sessions except at such quarter sessions for such county,
 &c. and at such time, whereof he shall have given notice
 to each of his creditors; and no prisoner who shall not
 appear to be examined pursuant to such notice, shall be
 brought up before any court to be examined, without
 having given the like notice at least 6 months previous to
 the time at which he shall appear to be examined. And

s. 1.

*Prisoner who
 has acted with
 gross injustice,
 &c. not entitled
 to his discharge,*

this act provides (s. 1.) that if it shall appear to the court
 established by the 53 Geo. 3. c. 102. upon the examina-
 tion of any prisoner, or otherwise, that such prisoner has
 acted with gross injustice towards his creditors, either in
 contractin

contracting any debts, or entering into engagements ^{unless with consent of all his creditors.} without any fair prospect or probable means of paying such debts, or fulfilling such engagements, or by squandering or otherwise improperly disposing of his monies, effects, or other property, which he might have applied in paying such debts, &c. either wholly or in part, such prisoner shall not be entitled to his discharge by virtue of said act, unless the whole of his creditors shall consent to his discharge, or such prisoner shall have been confined within the walls of any prison for 5 years, to be computed from the time when he shall have applied for his discharge. By s. 7. nothing herein shall repeal or alter any of the powers or provisions of the 53 Geo. 3. c. 102. or 54 Geo. 3. c. 23. ^{s. 7. Former acts not hereby repealed,} further than as they are hereby expressly repealed, &c.

Though these statutes (53 Geo. 3. c. 102. 54 Geo. 3. c. 23. and 56 Geo. 3. c. 102.) above stated, so long as they ^{In what cases debtors may be brought before justices at sessions, instead of a judge of assize, (as required by the 32 Geo. 2. c. 28.) to be discharged.} continue in force, in effect supersede the 32 Geo. 2. c. 28. Eng. and 33 Geo. 3. c. 5. Eng. yet, as their duration is of so limited a nature, it seems to be proper to state in this place the provisions of the 52 Geo. 3. c. 34. E. which ^{52 Geo. 3. c. 34, E.} alters and amends the 32 Geo. 2. c. 28. and 33 Geo. 3. c. 5. This statute recites the clause of the 32 Geo. 2. c. 28. s. 15. (see Digest, vol. II. p. 300.) which provides for the discharging debtors, (confined in gaols above 20 miles from Westminster Hall, or from the court under the process whereof such debtors are confined,) at the assizes held for the county or place where they shall be so imprisoned; and that there are many gaols situate within local or particular jurisdictions, for which no assizes are ever, or seldom if ever, held, or at which assizes there may be no judge of assize on the crown side, and other gaols at considerable distances from any place where assizes are usually held; and therefore provides, that such court or courts (under the process whereof such debtors are confined) may order such debtors and others to be brought up before any justices of peace assembled at any general or quarter sessions of the peace which shall be mentioned in the petition of such debtors, &c. to be holden for any county, city, liberty, franchise or jurisdiction, within 20 miles of the gaol wherein such debtors or others

so petitioning shall be confined, instead of ordering such debtors, &c. to be brought up before a judge of assizes, in all cases where such court shall think proper so to do; and such general or quarter sessions shall be holden either nearer, in point of distance, from such gaol, or of time than the assizes (at which such judge of assize would be present) would be holden; and the justices so assembled in sessions shall hear, &c. the matter of such petition, and perform all other matters in the same manner, as near as may be, as by the 32 Geo. 2. c. 28. Eng. the judge of assize on the crown side is required to do; and all orders made by such justices shall be as valid as if the same had been made in the court or courts out of which process against such debtors, &c. had issued, and the same shall be made records of such general or quarter sessions, and copies thereof shall from thence be transmitted, signed by the person presiding at such general or quarter session, to the court, &c. out of which process had so issued, to be a record of such court, &c.; and all provisions, powers, pains, penalties, liabilities, benefits, protections or indemnities in said acts or either of them contained, applicable to any matter to be done before any judge of assize, or by any person in obedience to any order made in pursuance of any provisions in said acts or either of them, shall extend and be applicable to all like matters by this act authorized to be done before any such justices so assembled in such sessions, or by any person in obedience to any order made under the authority of this act, or otherwise, under or in pursuance of any provision thereof, &c. And this act (s. 2.) repeals the clause (s. 24.) of the 32 Geo. 2. c. 28. which provides, that no person who had then taken or should thereafter take the benefit of any act for the relief of insolvent debtors, should have any benefit under this act, so as to gain any discharge, unless compelled by any creditor to discover and deliver up his estate and effects.

Provisions of 32 Geo. 2. c. 23, and 33 Geo. 3. c. 5. extended to this act.

s. 2.

The clause (s. 24.) of the 32 Geo. 3. c. 28. respecting persons discharged under insolvent acts, repealed.

The 50 Geo. 3. c. 47. I. repealed. 53 Geo. 3. c. 138. s. 1. I.

The 53 Geo. 3. c. 138. I. contains provisions for the relief of insolvent debtors in Ireland, similar to those of the 53 Geo. 3. c. 102. E. (*ante* p. 255 to p. 287) save as to those distinctions already pointed out in the notes to the

the abridgment of that statute; but it was reserved for this place to state the following provisions which are peculiar to the 53 Geo. 3. c. 138. l. This act (s. 1.) repeals the

The 37 Geo. 3. c. 49. Ir. also repealed.

37 Geo. 3. c. 49. Ir. and 50 Geo. 3. c. 47. l. save as to persons

who, before the passing of this act, had presented petitions under said acts or either of them. And by s. 3. enacts,

s. 3.

that if any person shall be confined under the process of 2 or more courts, then if any one of said courts shall be one of

Petition how presented, &c. where prisoner confined under process of 2 or more courts.

his majesty's superior courts in Dublin, such petition shall be presented to such court; and if all such courts,

or any 2 or more of them, shall be such superior courts, then such petition shall be presented to such of the said

superior courts under whose process such person shall have been first detained in custody; and if all said courts

shall be inferior courts, then if such prisoner shall be so detained in the county of Dublin, or county of the city of

Dublin, such petition shall be presented to the court of common pleas; and if in any other part of Ireland, then

such petition shall also be addressed to the said court of common pleas, but it shall be lawful for said court either

to proceed on such petition, or to give general authority to the judge or judges of assize for the county, county of a

city or county of a town, in which any such prisoner shall be so detained, from time to time to receive such petition,

and to proceed on any such petition, whether presented to such judge or to the said court, as said court shall think

fit; and such judge or judges shall transmit all proceedings on any such petition to said court of common pleas,

who shall have power to act thereupon as to such court shall seem fit; and all proceedings of any judges of assize

under the authority aforesaid shall be deemed to be, for the purposes of this act, proceedings of said court. And by

s. 4. where any prisoner shall be charged in execution, or under attachment for not paying money, or under mesne

s. 4.

process, out of any of the superior courts in Dublin, in any county gaol or other gaol or prison except within the coun-

Prisoners in county gaols, (except Dublin) under process of superior courts, brought up to assizes, under orders of court, and discharged, &c.

ty or county of the city of Dublin, then upon petition being made by such prisoner [*as aforesaid,] and on an affida-

vit

VOL. II.

2 M

* This refers to s. 3. *supra*, and to s. 2. which corresponds with s. 1. of 53 Geo. 3. c. 102. E. as stated *ante* p. 255. &c.

*vide p. 257 &c. vit of the purport [*herein-before set forth] being made and left with such petition, such court, on being satisfied with the truth of such affidavit, shall, on the application of such prisoner, make a rule or order to cause such prisoner to be brought to the next assizes which shall be holden for the county, &c. where he shall be imprisoned; and the expense of so bringing such prisoner, not exceeding 1s. a mile, shall be paid to the keeper or gaoler, or officer, who shall so bring such prisoner in obedience to such order, out of such prisoner's estate or effects, if the same shall be sufficient to pay such expense, and if not, then such expense shall be paid by the treasurer of the county, county of a city or county of a town, in which such prisoner shall be imprisoned, as the same shall be ordered by the judge before whom he may be brought; and the grand jury of such county, &c. shall present the amount thereof; and a copy of such petition, schedule and oath, and also of such rule, &c. thereupon, shall be served

Expenses how paid.

Notice to creditors.

†vide p. 255-6. in manner [†aforesaid] on the several persons required to be served with such petition as aforesaid, 20 days at the least before such assizes; and on due proof of the service thereof, the judge or judges of assize shall appoint a time for hearing such petition, on some certain day and time during such assizes; and on such day the judge, &c. shall there, in a summary way, examine into the matter of such petition, and hear what can be alleged on either side for or against the discharge of such prisoner; and every such judge or judges of such assizes, or one of them, within their respective jurisdictions, shall administer or tender to every such prisoner the same oath as herein-before directed (*ante* p. 257. &c.) to be taken before the judges of the court out of which the process issued, and make such order in the premises as to him or them shall seem meet, according to the provisions of this act, and proceed in the same manner concerning the discharge of any prisoner in any prison within their respective jurisdictions, in all respects, as the courts out of which any process shall issue against any such prisoner are herein empowered or directed to do, or postpone, if he or they shall see fit cause for so doing, the hearing of such matter until any subsequent

Proceedings before judge of assize in the same manner as before court.

sequent day in the same assizes, or until the ensuing assizes; and the judge or judges at such ensuing assizes shall have the same powers in respect thereof; and every such order which shall be made in the premises by any such judge, &c. of assize, shall be as valid as if the same was made in the superior court to which such petition was presented, and the same shall be made a record of the proceedings at such assizes, and a copy thereof shall from thence be transmitted to such superior court, signed by such judge, &c. of assize, to be a record of said court.

The clause (s. 29.) of this act which declares that prisoners discharged by virtue of this act shall not be arrested for the same debt, &c. with respect to which such discharge shall have been obtained, is followed by this peculiar proviso, (s. 30.) that when any such person shall have

Copy of proceedings at assizes transmitted and recorded.

s. 30.

been discharged by any court, other than one of his majesty's superior courts in Dublin, or the court of assizes, no creditor whose debt could not be lawfully sued for and recovered in the court by which such discharge shall have been made, shall be in any respect affected by such discharge, unless such creditor shall have received a dividend on such debt under this act. And it is provided by

Where prisoner discharged by an inferior court, creditor who could not have sued therein not barred, unless he received a dividend.

s. 56. that all assizes and other courts which shall have the same title and jurisdiction, and within the same limits respectively, shall, as to all the purposes of this act, be deemed to be the same courts respectively, although sitting under different commissions or warrants respectively.

s. 56.

All courts with same title, &c. deemed the same though sitting under different commissions, &c.

The 53 Geo. 3. c. 138. I. is amended by the 54 Geo. 3. c. 114. I. which provides, that it shall be lawful for every person who shall be a prisoner in any prison in Ireland, upon any process issuing from any court whatsoever, for or by reason of any debt, damage, costs, sum or sums of money, or contempt for non-payment of money, and who shall have been so in custody during 3 calendar months or more, and who shall not have been so in custody in time to enable him to apply by petition to the court in term time, to apply in vacation to any judge of such court by petition; and it shall lawful for such judge, in vacation time, to receive such petition, and any schedule annexed thereto, and to hear such petition, and pronounce such

Where prisoner is not in custody in time to apply to court in term time, he may be discharged in vacation by a judge of such court.

54 Geo. 3. c. 114. I.

judgment,

judgment, and make such orders, and do all others matters requisite for the discharging or remanding of such prisoner, and for the assignment and application of the estate and effects of such prisoner, and in all other respects to act with respect to such prisoner, &c. and his creditors, as such court might do under the 53 Geo. 3. c. 138. if such petition had been presented to such court, in open court, during the sitting of said court. This act

s. 2.

*Matters of form,
&c. amended.*

s. 3.

*Prisoners dis-
charged or re-
manded under
37 Geo. 3. c. 49.
or 50 Geo. 3.
c. 47. may take
the benefit of
53 Geo. 3. c. 138.
or this act.*

(s. 2.) contains a proviso with respect to amending matters of form, &c. in the petition, schedule or other proceedings, precisely similar to s. 49. of the 53 Geo. 3. c. 102. E. ante, p. 287. And by s. 3. provides, that in case any prisoner who shall have been discharged or remanded under the 37 Geo. 3. c. 49. Ir. or 50 Geo. 3. c. 47. I. shall present a petition to any court or judge, for the purpose of taking the benefit of the 53 Geo. 3. c. 138. I. or this act, it shall be lawful for such court, &c. to receive such petition and any schedule annexed thereto, and to discharge such prisoner, in case such court, &c. shall think fit so to do, upon his conforming to the directions of the 53 Geo. 3. c. 138. or this act, although he may have been discharged or remanded under the 37 Geo. 3. c. 49. and 50 Geo. 3. c. 47. or either of them, within 5 years previous to presenting such petition under the 53 Geo. 3. c. 138. or this act.

56 Geo. 3. c. 126.
I.

*Prisoner to give
notice that he is
willing to be ex-
amined touching
the justice of his
conduct; and if
he has acted
with gross in-
justice he shall
not be dis-
charged, unless
imprisoned for 5
years, or credi-
tors consent.*

The 56 Geo. 3. c. 126. I. amends this act (53 Geo. 3. c. 128. I.) by providing, * that in every notice thereby directed to be given by any prisoner to his creditors, he shall declare that he is ready and willing to be fully examined touching the justice of his conduct to his creditors; and the court or judge to whom any prisoner shall apply under the 53 Geo. 3. c. 138. or any act amending the same, to be discharged, shall examine every such prisoner touching the justice of his conduct towards his creditors; and if it shall appear to said court or judge, upon such examination, or otherwise, that such prisoner has acted with gross injustice towards his creditors, either in contracting any debts, or entering into any engagements, without

* This clause incorporates sections 1 & 2. of 56 Geo. 3. c. 102. E. ante p. 294.

without any fair prospect or probable means of paying such debts, or fulfilling such engagements, or by squandering or otherwise unjustly disposing of his monies, effects, or other property, which he might have applied in paying such debts, &c. either wholly or in part, he shall not be entitled to his discharge unless the whole of his creditors consent thereto, or unless he shall have been confined within the walls of any prison for 5 years, to be computed from the time of his applying for his discharge. And by s. 2. nothing herein shall alter or repeal any of the powers or provisions of the 53 Geo. 3. c. 138. or of any act to amend the same, further than as they are hereby expressly repealed or altered.

P. 309. l. 28. The 56 Geo. 3. c. 50. E. & W. intituled an act to regulate the sale of farming stock taken in execution, enacts, that no sheriff or other officer, in England or Wales, shall, by virtue of any process of any court of law, carry off or sell, or dispose of for the purpose of being carried off, from any lands let to farm, any straw threshed or unthreshed, or any straw of crops growing, or any chaff, colder, or any turnips, or any manure, compost, ashes, or sea-weed, in any case whatsoever, nor any hay, grass or grasses, whether natural or artificial, nor any tares or vetches, nor any roots or vegetables, being produce of such lands, in any case where, according to any covenant or written agreement entered into and made for the benefit of the owner or landlord of any farm, such hay, grass or grasses, tares and vetches, roots or vegetables, ought not to be taken off or withholden from such lands, or which by the tenor or effect of such covenant, &c. ought to be used or expended thereon, and of which covenants, &c. such sheriff, &c. shall have received a written notice before he shall have proceeded to sale. And by s. 2. the tenant or occupier of any lands let to farm, against whose goods any process of law shall issue, whereby such goods may be taken and sold, shall, on having knowledge of such process, give a written notice to the sheriff, &c. executing the same, of such covenants, &c. whereof he shall have knowledge, and which may relate to and regulate, or are intended to regulate, the use and

Crops or produce of land let to farm, not to be taken, &c. under execution, to deprive landlord of benefit of covenant.

56 Geo. 3. c. 50. E. & W.

Notice of covenant given to sheriff, &c.

s. 2.

Tenant, &c. shall give notice to sheriff, &c. of covenant, and of name and residence of landlord.

Sheriff thereupon to give notice to landlord, or his steward or agent, of seizure.

If landlord absent, &c. sale how postponed.

s. 5. Sheriff, &c. to make inquiry in parish for name, &c. of landlord before sale.

s. 3. Crops sold according to custom of country, or covenant.

Purchaser to have use of barns, &c. for consuming the same.

s. 4. Landlord may bring action in the name of sheriff, &c.

and expenditure of the crops or produce grown or growing thereon, and also of the name and residence of the owner or landlord of such lands; and such sheriff, &c. shall, forthwith, on executing such process, and before any sale shall have been proceeded in, send a notice by the general post to such owner, &c. where such owner, &c. shall be resident in any part of the united kingdom, and shall have been made known to and ascertained by such sheriff, &c. and also to the known steward or agent of such owner, &c. in respect of such lands, stating to such owner, landlord, and agent, the fact of possession having been taken of any crops or produce herein-before mentioned; and such sheriff, &c. shall, in all cases of the absence or silence of such landlord or owner, or his agent, postpone the sale of such crops or produce until the latest day he lawfully can appoint for such sale. And by s. 5. such sheriff, &c. shall, before any sale of any crops or produce of any lands let to farm shall be proceeded in, make, by all ways and means, due inquiry within the parish where such lands shall be situate, as to the name and residence of such landlord, &c. Provided (s. 3.) that such sheriff, &c. may dispose of any crops or produce herein-before mentioned, to any person who shall agree in writing with such sheriff, &c. (in cases where no covenant, &c. shall be shewn) to use and expend the same on such lands, in such manner as shall accord with the custom of the country; and in cases where any covenant, &c. shall be shewn, then according to such covenant, &c. and after such sale or disposal so qualified, it shall be lawful for such person to use all such necessary barns, stables, buildings, out-houses, yards and fields, for the purpose of consuming such crops or produce, as such sheriff, &c. shall assign to him for that purpose, and which such tenant or occupier would have been entitled to and ought to have used, for the like purpose, on such lands. By s. 4. such sheriff, &c. shall, on the request of any landlord or owner who shall be aggrieved by any breach of such agreement, permit such landlord, &c. to bring any action in the name of such sheriff, &c. for the recovery of damages in respect of such breach, such landlord, &c. having

ing nevertheless fully indemnified such sheriff, &c. against all costs, and all loss and damage, before such action shall be commenced. And by s. 6. where any purchaser of any crop herein-before mentioned shall have entered into any agreement with such sheriff, &c. touching the use and expenditure thereof on lands let to farm, it shall not be lawful for the owner &c. of such lands to distrain for any rent, on any corn, &c. or other produce thereof, which, at the time of such sale, and the execution of such agreement, entered into under the provisions of this act, shall have been severed from the soil and sold, subject to such agreement, by such sheriff, &c. nor on any turnips, whether drawn or growing, if sold according to the provisions of this act; nor on any horses, sheep or other cattle, nor on any beasts whatsoever, nor on any waggons, carts, or other implements of husbandry, which any person shall employ, keep or use on such lands, for the purpose of threshing out, carrying or consuming any such corn, &c. or other produce, under the provisions of the act, and the agreement directed to be entered into between the sheriff, &c. and the purchaser of such produce as herein-before mentioned. By s. 7. no sheriff, &c. shall, by virtue of any process, sell or dispose of any clover, rye-grass, or any artificial grass, which shall be newly sown, and be growing under any crop of standing corn. But by s. 8. this act shall not extend to any straw, turnips or other articles, which the tenant may remove from the farm consistently with some contract in writing. By s. 9. in every case where any action shall be brought against such sheriff, &c. for any breach of or omission of compliance with the provisions of this act, no plaintiff shall be entitled to recover any damages against such sheriff, &c. unless it shall be proved on the trial of such action, that such breach, &c. was wilful on the part of such sheriff, &c. And by s. 10. no sheriff or under sheriff, nor any or either of their deputies, agents, bailiffs or servants, nor any person who shall purchase any hay, straw, chaff, turnips, grass or grasses, or other produce and things herein-before mentioned, under the provisions of this act, nor his or their servants, shall be deemed to be trespassers by reason of their

s. 6.

Where sheriff sells pursuant to this act, landlord shall not distrain crops severed, nor horses, &c. employed for threshing, carrying, &c. such crops, &c.

s. 7.

Artificial grasses newly sown, &c. not to be sold.

s. 8.

Provido as to articles which the tenant may by contract remove.

s. 9.

Action against sheriff, &c. for wilful breaches only.

s. 10.

Sheriffs, &c. not deemed trespassers by reason of occupying barns, &c. or other necessary act, though done after return of process.

their coming upon or remaining in possession of any barns or other buildings, yards or fields, for the purpose of threshing out or consuming any straw, hay, &c. under the provisions of this act, or for doing any matter fit or necessary to be done for the purpose of executing the same, and carrying into effect all stipulations contained in any agreement made under such provisions, though such acts shall have been done by such sheriff, &c. and by such person, &c. his or their servants, after the return of the process under which such sheriff, &c. shall have acted.

s. 11.

No assignee of bankrupt or insolvent, nor any purchaser of farming stock, &c. shall use or dispose of same otherwise than bankrupt, &c. might.

By s. 11. no assignee of any bankrupt, or of any insolvent debtor's estate, nor any assignee under any bill of sale, nor any purchaser of the goods, chattels, stock or crop of any person engaged or employed in husbandry, on any lands let to farm, shall take, use or dispose of any hay, &c. or other produce of such lands, or any manure, compost, ashes, sea-weed, or other dressings intended for such lands, and being thereon, in any other manner, and for any other purpose, than such bankrupt, &c. ought to have taken, &c. the same, if no commission of bankruptcy had issued, or no such assignment had been executed, or sale made.

Sheriffs to make like returns upon writs, &c. against late sheriffs, as against other persons.

57 Geo. 3. c. 68.

s. 1. I.

s. 2.

Sheriffs to have double costs in actions against sub-sheriffs (or sureties) for malfeasance or nonfeasance.

P. 319. l. 40. By the 57 Geo. 3. c. 68. s. 1. I. it shall be lawful for every sheriff in Ireland to account and make like return for, upon, and in respect of any writ or process issued against the person, lands and goods, or any of them, of any former sheriff, as if issued against any other person. And this act provides (s. 2.) that whenever any sheriff, or any person who shall have been sheriff or joint sheriff in Ireland, shall obtain judgment in any action against any person who shall then be or shall have been his under-sheriff, or against any surety of such under-sheriff, such surety having become such after the commencement of this act, (7 July, 1817.) in respect of any breach of the duty of such office, or in respect of any malfeasance, misfeasance, nonfeasance or neglect therein, then the plaintiff in such action shall be entitled to double costs, to be included in such judgment, and be also entitled, under the direction of the court, to suggest that such action was brought for such cause, if the same shall not

not sufficiently appear on the pleadings. And by s. 3. in all cases in which by law any action might be maintained against any sheriff for any neglect or misconduct in office, it shall be lawful for the person to whom such action shall accrue, to bring such action against the under-sheriff, instead of the high sheriff, if such person shall think proper, unless it shall appear that the cause of action arose from some immediate act or default of the high sheriff alone, and not at all from any act or default of the under-sheriff.

s. 3.
Actions for neglect or misconduct of under sheriff may be brought against himself, instead of high sheriff.

P. 330. l. 31. The 57 Geo. 3. c. 117. G. B. recites, that extents in aid have, in many cases, been issued for the levying and recovering of larger sums of money than were due to his majesty by the debtors on whose behalf such extents were issued, and, in other cases, at the instance and for the benefit of persons indebted to his majesty by simple contract only; and to prevent such practices this statute provides, that upon issuing every extent in aid on behalf of any debtor to his majesty, after the passing of this act, the court of exchequer at Westminster, or the chancellor chief baron or other baron of said court granting the *fiat* for the issuing of such extent, shall cause the amount of the debt claimed to be due to his majesty to be stated in said *fiat*; and where the debt or debts found due to the debtor of his majesty shall be equal to or exceed the debt specified in said *fiat*, the amount of the debt so specified shall be indorsed upon the writ, and the writ so indorsed shall be the authority and direction to the sheriff, or other officer who shall execute such writ, as to the amount to be levied under said writ; and when the debt or debts found due to the debtor to his majesty shall be of less amount than the debt specified in the said *fiat*, the amount so found due shall be indorsed upon the writ, which shall be the authority, &c. to the sheriff or other officer as to the amount to be levied; and the money levied under such extent shall be, by order of said court, paid over to and for his majesty's use, towards satisfaction of the debt so due to his majesty. Provided (s. 2.) that where the sum produced by the sale of any lands, goods or chattels, taken, or by the receipt of any money by any sheriff or other officer under any such writ of extent, shall be more than sufficient

All fiats for issuing extents in aid to specify the debt due to his majesty, and the debt found due to the debtor or of his majesty shall be indorsed on said writ.

57 Geo. 3. c. 117.
G. B.

Money levied paid over to his majesty's use.

s. 2.

Where sum produced by sale of lands, goods, &c. exceeds sum indorsed, court

may order the return or disposal of surplus.

s. 3.

This act not to prejudice the king's debtor's right to the residue of his debt, or his remedies for same.

sufficient to satisfy the sum so indorsed upon the back of the writ, such overplus shall be paid into the exchequer, together with the amount indorsed upon said writ; and said court shall, upon any summary application, make such order for the return, disposal, or distribution of any such surplus, or any part or proportion thereof, as to said court shall appear to be proper. Provided (s. 3.) that nothing in this act, nor seizure of any debt into the hands of his majesty, or part recovery or payment of such debt, or other proceeding had under this act, or in relation to the applying for, obtaining, or executing any such writ, or disposing of any such overplus, shall affect or prejudice, either at law or in equity, any right or demand of the person or persons to whom such debt shall have been due, when seized into his majesty's hands, or his assignee, executor or administrator, as to the remaining part of such debt, or as to the suing any person against whom any such writ shall have issued, or whose lands or goods shall have been taken under such writ, for the residue of such debt, as to the recovery of or receiving any residue of any debt so seized or in part levied, &c. or any other debt seized or sued for under such extent, but still remaining due, either in the whole or in part; but any such person, or his assignee, executor, &c. may sue for and recover the remainder of such debt so seized, or any other debt, in the same manner as if no such extent had issued. By s. 4. it shall

s. 4.

Persons indebted to his majesty by simple contract, or by bond, for money due in respect of their trades, &c. nor sub-distributors of stamps, nor sureties in bonds until resorted to for debt due to his majesty, shall sue out extents in aid, &c.

not be lawful for any person or persons, companies or societies of persons, corporate or not corporate, who shall be indebted to his majesty by simple contract only, nor for any such person, &c. who shall be indebted to his majesty by bond for answering, accounting for, and paying any particular duty or sum of money which shall arise or become payable to his majesty from such person, &c. in respect and in the course of his or their particular trades, manufactories, professions, businesses or callings; nor for any sub-distributor of stamps who shall have given bond to his majesty; nor for any person who shall have given bond to his majesty, either jointly or separately, as a surety only for some other debtor to his majesty, until such surety shall have made proof of a demand having been made upon

upon him on behalf of his majesty, in consequence of the non-performance of the conditions of the bond by the principal, and then only to the amount of the said demand, to sue out and prosecute any extent in aid, by reason of any such debt to his majesty, for the recovery of any debt due to such person, company, or sub-distributor ; and every commission to find debts, extent in aid, and other proceedings, which shall be so issued or instituted at the instance of or for such simple contract or bond debtor, shall be void : provided that nothing herein shall prevent any person who shall become debtor to his majesty by simple contract only, by the collection or receipt of any of his majesty's revenue, from suing out any commission or extent in aid, in case one or more of such persons shall be bound to his majesty by bond or specialty of record in said court of exchequer, for paying over or accounting for, to his majesty, the particular duties or sums of money which shall constitute the debt that may be so then due from such person to his majesty. Provided (s. 5.) that no extent in aid shall be issued on any bond given by any person as a surety for the paying or accounting for any duties which may become due to his majesty from any body or society, whether incorporated or otherwise, carrying on the business of insurance against any risques of fire or other kind. By s. 6. any person who shall be imprisoned under any writ of *capias* in any extent in aid, may apply to the barons of the exchequer in England or Scotland, or to any baron of the same court in vacation, for his discharge, giving one month's previous notice in writing to the person, &c. to whom he owed the debt for which he is so imprisoned, at the time such debt was seized under such extent in aid, of his intention to make such application, and stating in such notice the ground of such application, and an enumeration and description of the property, debts and effects, of such person, in his possession or power, or in the possession, &c. of any other person for his use ; and it shall be lawful for the court, or any such baron in vacation, to whom such application shall be made, to order such person to be brought before them or him, to be examined upon oath, touching

s. 5.

No extent in aid to issue on bonds of sureties for fire insurance companies, &c.

s. 6.

Court of exchequer, or baron in vacation, may discharge any person taken upon a *capias* in any extent in aid, one month's notice being given of such application.

Full disclosure
to be made by
such applicant
of his property
and effects.

touching his property and effects; and if such person shall make a full disclosure thereof, to the satisfaction of the said court or baron, or it shall otherwise appear proper to such court or baron that such person should be no longer imprisoned under such writ, for such court or baron to order a writ of *supersedeas quoad corpus* to be issued out of said court for the liberation of such person: provided that no such liberation shall be deemed to satisfy or supersede such extent in aid, or any proceedings thereon, except as to such imprisonment, or the debt or debts seized by virtue thereof, and for which such person shall be so imprisoned.

Public account-
ants how acquit-
ted for money
issued from the
treasury, &c.

56 Geo. 3. c. 98.
s. 27. U. K.

P. 331. last line. The 56 Geo. 3. c. 98. U. K. recites, (s.27.) that doubts had arisen as to the mode of discharging persons being public accountants in Ireland, in respect of money issued to them out of the treasury of Ireland, or otherwise, whose accounts have been audited by the commissioners of public accounts, or the commissioners of military accounts; and therefore enacts, that in all cases where the commissioners of public accounts, or of military accounts, shall have audited and certified, or shall audite and certify any account of any public accountant, and it shall satisfactorily appear to the said commissioners, upon such examination and proof as to them shall seem expedient, that such accountant is even and quit with the public on such account, the said commissioners, respectively, shall, under their signature, acquit and discharge and grant a *quietus* to such public accountant; and such acquittance, &c. shall be good to all intents, and shall be received by any court of law or equity in the united kingdom, in bar of any suit or process against such public accountant, for any matter touching the period of such account, with respect to which such acquittal, &c. shall have been granted. And by s. 28. the said commissioners

s. 28.

Commissioners
shall notify in
gazette, &c. the
nature, &c. of
documents re-
quired for ob-
taining *quietus*.

shall, respectively, as soon after the passing of this act as may be, determine upon the nature and form of the documents and proofs required to be produced to them respectively for the purposes aforesaid; and shall, by advertisement under their hands, to be inserted in the Dublin Gazette, in 3 succeeding publications thereof, and in any other

other manner which they shall think fit, notify and declare the nature and form of such documents, &c. to all public accountants under their respective departments; and it shall not be lawful for the said commissioners to change the nature, &c. of such documents, &c. until the expiration of 3 calendar months after the nature, &c. of such new documents, &c. shall have been notified by public advertisement in the public Gazette, and otherwise in manner aforesaid.

Of Proceedings in the Courts of Equity.

P. 336. l. 18. In order to provide a summary remedy in cases of abuses of trusts created for charitable purposes, the 52 Geo. 3. c. 101. U. K. enacts, that in every case of a breach of any trust, or supposed breach of any trust, created for any charitable purposes, or whenever the direction or order of a court of equity shall be deemed necessary for the administration of any trust for charitable purposes, it shall be lawful for any 2 or more persons to present a petition to the lord chancellor, lord keeper, or commissioners for the custody of the great seal, or master of the rolls, or court of exchequer, stating such complaint, and praying such relief as the nature of the case may require; and the lord chancellor, &c. or master of rolls, or court of exchequer, shall hear such petition in a summary way, and upon affidavits, or such other evidence as shall be produced upon such hearing, determine the same, and make such order therein, and with respect to the costs of such application, as to him or them shall seem just; and such order shall be final and conclusive, unless any party who shall think himself aggrieved thereby, shall, within 2 years from the time when such order shall have been passed and entered by the proper officer, have preferred

Summary jurisdiction given to courts of equity, in respect to breaches of trusts created for charitable purposes.

52 Geo. 3. c. 101. U. K.

Order upon petition final unless appeal to house of lords in 2 years.

an

s. 2.

Petitions to be signed by parties, in presence of petitioner's attorney, and allowed, &c. by attorney or solicitor general.

an appeal from such decision to the house of lords, to whom it is hereby enacted and declared that an appeal shall lie from such order. Provided (s. 2.) that every such petition shall be signed by the persons preferring the same, in the presence of and attested by the solicitor or attorney concerned for such petitioners; and every such petition shall be submitted to and be allowed by his majesty's attorney or solicitor general, and such allowance shall be certified by him before any such petition shall be presented. By s. 3. neither the petitions nor any proceedings relative thereto, nor the copies of any such petitions or proceedings, shall be subject to the payment of any stamp duty.

s. 3.

Petitions, &c. exempt from stamp duty.

Commissioners of education in Ireland, who to be, and how appointed.

53 Geo. 3. c. 107. I.

P. 336. l. 30. The 53 Geo. 3. c. 107. I. recites, that many of the abuses in schools of public and private foundations in Ireland, and the misapplication of their several funds and revenues, have proceeded from the delays, difficulties and expenses attending the proceeding in such cases by bill or information in the courts of equity; and that it is necessary, for the better regulation of the several endowed schools in Ireland, that commissioners should be appointed for the purpose of visiting, regulating and superintending the management and due application of the funds and revenues of the said schools; and therefore enacts, that the primate of all Ireland, lord chancellor, archbishop of Dublin, and archbishop of Tuam, for the time being, and the respective coadjutors of the said primate and archbishops, the chief justice of the king's bench in Ireland, the provost of Trinity college, Dublin, for the time being, and also 4 of the bishops of Ireland, to be appointed from time to time by the lord lieutenant, (one bishop for each province,) together with 4 other persons whom the lord lieutenant shall appoint to be commissioners under this act, (such 4 bishops, and 4 other persons so appointed by the lord lieutenant, to be removable at his pleasure) shall be a corporation, and have a common seal, and shall be called "The commissioners of education in Ireland." Provided (s. 2.) that none of the schools on the foundation of the late Erasmus Smith, Esq. nor the protestant charter schools, nor any parochial school established

Commissioners incorporated.

s. 2.

What schools exempt from their visitation.

lished under the 28 Hen. 8. c. 15. Ir. nor any establishment for the purpose of education now under the control of visitors appointed by act of parliament or charter, shall be subject to the jurisdiction of the commissioners under this act. And by s. 3. whenever the said bishops, or other commissioners appointed by the lord lieutenant, or other person appointed in succession to them, shall, by death, resignation, removal, or otherwise, cease to be a commissioner, it shall be lawful for the lord lieutenant, by warrant under hand and seal, to appoint one other bishop or person in his stead. By s. 4. it shall be lawful for the commissioners, and their successors, from time to time, to appoint a secretary, with a salary not exceeding £700. and also such other subordinate officers as they shall think proper for carrying into execution the purposes of this act; and to certify to the lord lieutenant such sum as they shall think adequate to defray the expenses of said officers, and other incidental expenses of the board; whereupon it shall be lawful for the lord lieutenant to direct the lord high treasurer of Ireland, or commissioners for executing that office, to issue out of the consolidated fund of Ireland such sum to defray such expenses as to the lord lieutenant shall seem fit. And by s. 5. the commissioners for executing this act shall and may sue and be sued in the name of their secretary; and it shall be lawful for the said commissioners and their successors to take, hold, &c. any lands, &c. for the purposes of this act, the statutes of mortmain or other statutes notwithstanding. By s. 6. it shall be lawful for 3 of the said commissioners, assembled in pursuance of a general notice for a meeting, (of whom some one of the commissioners herein-before appointed in right of their offices to be one,) to do any thing required to be done by the commissioners under this act. Provided (s. 7.) that no proceeding which requires to be ratified by the common seal of the corporation shall be finally concluded, nor the said seal affixed to any deed or instrument in the name of the commissioners, unless the lord primate, lord chancellor, or chief justice, be personally present at the meeting of the commissioners at which it is proposed that such proceeding shall be determined,

s. 3.

Successors to present commissioners how appointed.

s. 4.

Commissioners to appoint secretary, &c.

Expenses defrayed out of consolidated fund.

s. 5.

The commissioners to sue and be sued in the name of their secretary, and may take lands, &c.

s. 6.

Quorum of commissioners.

s. 7.

Proceedings requiring the common seal to be sanctioned by primate, chancellor or chief justice.

or

s. 8.
*Secretary to
 keep a journal
 of proceedings,
 &c.*

*Report to be
 made annually
 to lord lieute-
 nant ;*

*And copies fur-
 nished when
 required.*

s. 9.
*Commissioners
 to visit schools
 in person or by
 deputy.*

*Their powers as
 visitors.*

s. 10.
*Deputies how
 appointed, and
 how to proceed.*

or such deed or instrument shall be executed, or unless the consent of 2 of the commissioners last mentioned, previously given, shall be signified under their hand, and communicated to the commissioners assembled at such meeting so held pursuant to general notice. By s. 8. the secretary shall keep a book or journal of the proceedings of the commissioners at their several meetings, and shall enter therein the names of the commissioners present at each meeting, and all the proceedings of every such meeting, and all reports made to the commissioners ; and the commissioners shall, once in every year, within 14 days after the 25th March, make a general report of all their proceedings under this act for the year preceding, ending on such 25th March, to the lord lieutenant, to be laid before parliament ; and the secretary shall, when required by the lord lieutenant or his chief secretary, or by the commissioners, deliver to the lord lieutenant, or his chief secretary, a true copy of the whole or of such parts of the proceedings as shall be required. By s. 9. it shall be lawful for said commissioners, and their successors, at all times, to visit any of the endowed schools herein-before described, (except as before excepted,) either in person or by deputies to be appointed by them ; and the said commissioners may at any times hold visitations of said schools, and at such visitations administer oaths, and do all other acts appertaining to visitors, relating to such schools ; and, for that purpose, repair to any such school, or to any other place which they shall deem necessary or convenient, and there summon, call for, and examine, on oath or otherwise, all persons, and call for all vouchers, books, deeds, evidences, terriers, maps, surveys, and other documents, and inquire into all matters which said visitors shall deem necessary. And by s. 10. it shall be lawful for the commissioners, by any writing under their hands and seals, to depute any person or persons to visit any of said schools ; and any person, &c. so deputed shall enjoy the rights and powers of the commissioners, and shall, at every such visitation, cause their proceedings to be entered in a book to be kept for that purpose by the master of each school, and shall lay an attested copy of the same before the commissioners,

commissioners, at their first meeting after the return from such visitation, and shall report to the said commissioners such other matters relating to the state and condition of such schools, or any of them, as they shall think necessary; whereupon it shall be lawful for the commissioners to make such orders, and adopt such measures, as they shall judge proper; provided that in case of such misconduct of the master, under master, or usher of any school, being reported to the commissioners, as they shall be of opinion ought to have subjected him to deprivation, they shall not proceed to such deprivation until they have cited the said master, &c. to appear before them, and given notice to the trustees of the school or foundation to which such master, &c. shall belong, and inquired into his misconduct, and examined such witnesses as shall be produced by the master, &c. or the trustees, in relation thereto, and also all other witnesses whom they shall deem proper to summon; and provided also that the commissioners, whensoever they shall find it necessary to proceed to such sentence of deprivation, shall signify the same to the person to whom such appointment belongs, who thereupon shall be obliged, within 3 months after such person shall have had notice of such sentence, to appoint a proper successor to such master, &c.; and in case such person shall neglect, within the space aforesaid, to comply with said order of the commissioners, then the commissioners shall proceed to appoint a fit successor; and the person so appointed shall not be subject to be removed by the trustees, or person having the power of appointment or nomination to such school, unless with the consent of the commissioners.

*Proceeding in
case of deprivation
of school-
master, &c.*

And whereas in different parts of Ireland there are various schools, (many of which are mentioned in the 12th and 13th reports of the commissioners appointed under the 46 Geo. 3. c. 122.) and some of said schools are possessed of considerable estates and property; this statute therefore enacts (s. 15.) that it shall be lawful for the commissioners under this act, for the purpose of examining into the management of the funds of such private schools, and due application of the same, to visit

s. 15.

*Commissioners
empowered to
visit all schools
of private en-
dowment.*

Exception of schools supported by occasional contribution, or for education of persons not of established church.

s. 16.

Commissioners may petition lord chancellor in case of disobedience of any order or regulation.

Chancellor may award costs and remove trustees, &c.

and regulate all such schools, of private foundation and endowment, as are endowed and supported by the bequests or donations of the founders thereof, or are assisted by any parliamentary grants, except such private schools as are supported by the voluntary occasional contributions of private individuals, and which have no permanent funds or endowments; and except also all schools of private foundation for the education of persons professing any religion or religious persuasion, other than that of the united church of England and Ireland. And this act provides (s. 16.) that in case of the disobedience of any order or regulation of the commissioners under this act, or of any other persons acting as visitors under their authority, made respecting the said schools of private foundation, whenever it shall seem expedient to the commissioners that an application should be made to the lord chancellor, or commissioners for the custody of the great seal, for the enforcing of any order or proceeding of said commissioners, for the better regulation of any such endowed schools of private foundation, or other schools described in this act, it shall be lawful for the commissioners to make a summary application by petition to the lord chancellor, &c. and for the lord chancellor, &c. thereupon, to make such order, and to give such direction respecting any such endowed school of private foundation, as shall seem fit, and to direct that the costs of such application shall be paid out of any fund appropriated to the use of such school: provided that if it shall appear upon such application, that the mismanagement of such school, or the misapplication of its funds and revenues, are so great as to render the directors, managers or trustees thereof, unfit to continue to have the management thereof, then it shall be lawful for the chancellor, &c. to declare and decree such directors, &c. to be removed from the trusts of such school, and the management thereof; and further to direct that the execution of such trusts shall devolve upon the commissioners under this act, or be provided for in such other manner as the lord chancellor, &c. shall by his order direct, which commissioners shall, in that case, have the funds and revenues, direction and management of the said schools, vested in them.

By

By s. 11. the several lands, &c. granted by king Charles I. for the use of the masters of the schools of Armagh, Dungannon, Enniskillen, Raphoe, Cavan, Banagher and Carysfort, shall be vested in the said commissioners and their successors; and the rents, issues and profits thereof, shall be received by such agents as said commissioners for the time being shall appoint, and shall be applied, by the orders of the commissioners, towards the maintenance and support of the masters of said schools, and for such other purposes as the said commissioners are under this act empowered to provide for and carry into effect for the benefit of said schools. And by s. 12. it shall be lawful for the commissioners, from time to time, to order any sum of money belonging to any of said schools, the estates belonging to which are vested in said commissioners, to be invested in such government securities as they shall think proper; and that such proportion as they shall think proper of the issues and profits of all funds or estates applicable to the support of such schools, shall be applied to the benefit of the schoolmaster of such school for the time being; and it shall be lawful for the commissioners to order such other share of such issues, &c. as they shall think proper, to be applied to the use of such under masters as shall appear to them to be necessary for such schools; and out of the residue, after payment of the salaries of such head masters or under masters, to order such yearly sum as shall be deemed necessary to be applied towards the purchasing, procuring, building, enlarging, repairing or furnishing the school-house, together with grounds, houses, and other appurtenances and other accommodations necessary or useful for the convenient keeping of a school therein, according to the powers herein-after given to the commissioners; and if any residue of such issues and profits shall remain, it shall be lawful for such commissioners to order such residue to be applied to the supporting of such and so many free scholars, according to such arrangements, and in such sums, shares and proportions, as shall be directed by any such order, and to the endowment of such and so many exhibitions to Trinity College, to be held by such

s. 11.

Lands granted for support of schools vested in commissioners, and rents received by their agent.

s. 12.

Income of estate disposed of by commissioners in paying salaries, of masters, &c.

Purchasing, &c. school houses, &c. :

Supporting free scholars :

Endowing exhibitions in Trinity College.

s. 13.

*Commissioners
to have power
of leasing lands
of schools.*

*Application of
net rents during
continuance
of present
masters.*

s. 14.

*Lands granted
by John Pres-
ton, for schools
of Navan and
Ballyroan, and
for hospital of
Oxmanstown,
vested in com-
missioners.*

*Rents of these
lands how ap-
plied.*

persons, and under such regulations and restrictions, as to the commissioners shall seem proper. By s. 13. the commissioners shall have all such powers of leasing and demising the lands, &c. belonging to said schools, as the trustees or persons in whom such lands were vested, immediately before the passing of this act, had ; and the net rents of the lands granted by king Charles I. to each school, after deducting the necessary expenses of the agency and management thereof, shall, during the continuance of such of the present masters of those schools as have been legally appointed under any particular conditions made according to law, by persons duly authorized thereto, concerning the distribution or application of the incomes, revenues, or emoluments of such school, or of the master thereof, be applied in the same manner as they now are ; and after the decease, resignation, or removal of any such master, shall be applied solely to the use of the said school, and to such endowments or establishments only as are connected therewith, in the manner and for the purposes herein-after described. And this act (s. 14.) recites a certain conveyance of John Preston, (formerly an alderman of Dublin) in the year 1686, of certain lands (Capaloughlin) in the Queen's county, in trust for the schools of Navan, (Co. Meath,) Ballyroan, (Queens's County,) and the hospital in Oxmanstown, (Dublin,) and in trust for such other pious uses as the trustees, &c. named in said deed should from time to time appoint ; and enacts, that it shall be lawful for the commissioners under this act, for the time being, for the purpose of ascertaining the due management of the said trust, and the application of the funds arising out of said lands, to make such visitations, inquiries and reports, and to direct that the issues and profits of said lands, and the overplus of such issues, &c. shall be applied in like manner as the commissioners are empowered to do, in respect to any other schools of private foundation, by virtue of this act ; and that after the passing of this act (10 July 1813) the net rents of said lands shall, at all times, be divided into 3 parts, in the proportion of the annuities to be paid in pursuance of the grant of the said John Preston to the said hospital, and
masters

masters of said schools, viz: four sixteenths to the hospital, seven sixteenths to the use of the school of Navan, and five sixteenths to the school of Ballyroan. By s. 17. all agreements in writing heretofore made by the present master of any of the schools of royal foundation heretofore mentioned, under the direction of the lord lieutenant, or lord primate, concerning the distribution or application of the income, revenues or emoluments of such school, or of the master thereof, or so granted for the use of such school, or of the master thereof as aforesaid, or any share or proportion of such income, &c. shall be valid, according to the terms thereof respectively, so long as such master shall continue to hold said office, but no longer. And it is provided (s. 18.) that the schoolmasters of the several endowed schools included within this act, shall continue to be appointed as if this act had not passed; and that the under master, if any such be endowed under this act, shall and may be appointed by the head master, by and with the consent of the several persons in whom the appointment of the head master is vested.

s. 17.

Agreements of present masters concerning the distribution of the revenues of their schools valid, so long as they hold their office.

s. 18.

Schoolmasters and under-masters appointed as if this act had not passed.

s. 19.

By s. 19. it shall be lawful for the commissioners, when ever they shall deem it expedient, to present a petition to the lord lieutenant setting forth the necessity of purchasing, building, rebuilding, enlarging or repairing any school house belonging to any school under the jurisdiction of said commissioners, or any of the appurtenances or accommodations belonging to or necessary for the convenient use of such school, together with a particular estimate thereof, and the sum required for such purpose; and also setting forth, that the profits of the lands belonging to such school are insufficient to supply so large a sum in convenient time, and praying that the same may be advanced, out of the consolidated fund of Ireland, to some person to be named in such petition for that purpose; and setting forth what yearly sum, being not less than £10. *per cent.* on the sum required, can be paid out of the revenues of such school, to replace the sum so to be advanced; and thereupon the lord lieutenant may direct that such sum as he shall think proper, not exceeding the sum required by such petition, shall be advanced, out of the

Lord lieutenant empowered, on the petition of the commissioners, to order money out of the consolidated fund for purchasing, &c. school houses.

By what instalments re-paid,

*Security to be
given for re-
paying money
advanced.*

s. 20.

*Instalments to
replace money
advanced to be
paid to receiver
general.*

s. 21.

*Tenants may be
assigned for
payment of in-
stalments.*

*Attornment
unnecessary.*

s. 22.

*The commissi-
sioners, with
consent of lord
lieutenant, may
order free schools
of 2 or more
dioceses to be
consolidated.*

the consolidated fund of Ireland, to such persons as shall be so named for that purpose, either altogether or by such instalments as the lord lieutenant shall think proper: provided that no such sum, or any part thereof, shall be so advanced, until such person shall have given good security by recognizance, with 2 sureties, to the satisfaction of the lord chancellor, or the commissioners for executing the office of lord high treasurer, or any 3 of them, for the faithful expenditure of the same, according to particulars and an estimate mentioned in the said petition.

And by s. 20. after the advance of any such sum out of the consolidated fund, the yearly sum mentioned in such petition for the repayment of the same, shall be paid into the office of the receiver general of the duties of customs and excise in Dublin, until the whole of every sum so advanced shall be duly discharged; and all such money so received shall be made part of the consolidated fund of Ireland. Provided (s. 21.) that it shall be lawful for the commissioners under this act to order that any tenant or tenants of any lands belonging to any such school, for which any sum shall be so advanced, together with the lands occupied by such tenant, &c. shall be assigned over to such person, &c. as shall be named by the lord high treasurer or commissioners for executing that office, or any 3 of them; and from thenceforth until such tenant, &c. and the lands so occupied by such tenant, shall be re-assigned, such tenant having received notice of such assignment, shall be bound to pay his rent to such person as if a regular attornment had been executed; and it shall be lawful for such person to recover any such rent by distress, ejectment or otherwise, as the person entitled to said rent might lawfully do; and every sum so received by such person, his reasonable costs being first deducted, shall by him be paid into the office of the receiver general.

This act (s. 22.) recites the statutes 12 Eliz. c. 1. Ir. 12 Geo. 1. c. 9. Ir. and 29 Geo. 2. c. 7. Ir. (respecting free schools,) and that in several dioceses in Ireland such schools are not now duly kept and maintained; and enacts, that it shall be lawful for the commissioners under this act, where they shall deem it expedient, with the consent of

of the lord lieutenant, under hand and seal, to direct that any two or more adjoining dioceses shall be united into one district, and to direct that the free schools of such dioceses shall be consolidated into one free school, to be thenceforth kept in such place, within the said dioceses, as the commissioners, with such consent as aforesaid, shall by such warrant direct; and thereupon all salaries payable to the schoolmasters of the said several dioceses so united, shall be payable to the schoolmasters of such district only for his own sole use; and every such schoolmaster shall have the same right to said salaries, and the same remedies for enforcing the same, as the several schoolmasters would have had in case such union had not taken place. Provided (s. 23.) that if 2 or more dioceses shall be so united, the masters of the free schools whereof are not appointed by the same person, then the first appointment of a schoolmaster for such united district shall be made by the person who, if such union had not taken place, would have the right of appointment in that diocese from whence the master of the school in such district shall derive the largest portion of his salary; and the second turn shall follow the portion of salary next in amount, and so on to the lowest; after which the same rotation shall take place again, and continue from thenceforth. By s. 24. it shall be lawful for the lord lieutenant, with the advice of the privy council, to appoint what provision, stipend or salary, shall be paid to the schoolmaster of every diocesan or district school, and what portion of such salary shall be raised in each diocess of any such districts where such district school shall be established; one third part of which money shall be levied on and paid by the said bishops in their respective dioceses, and the remaining two thirds shall be levied on, &c. the parsons, vicars, prebendaries, and other ecclesiastical persons, by an equal contribution according to the values of their respective benefices, to be from time to time ascertained by the bishop of every diocess, with the concurrence of the archbishop of the province. By s. 25. it shall be lawful for the bishop of every diocess in Ireland to appoint one collector, or more, to receive all money payable

s. 23.

Where free schools so consolidated appointment of schoolmaster how to be.

s. 24.

Lord lieutenant and council to appoint salaries of schoolmaster of diocesan or district schools.

In what proportions salaries paid by bishops, &c.

s. 25.

Bishops to appoint agents to collect such salaries, and to

by

*allow poundage
on receipt.*

*Payment how
enforced.*

s. 26.

*Ecclesiastical
persons, tenants
in fee, &c. em-
powered to con-
vey 2 acres of
ground as scites
for diocesan or
district schools,*

*The present
scites may be
set by commis-
sioners.*

s. 27.

*Commissioners
may purchase
houses, &c. for
schools, &c.;*

by such bishops, and other ecclesiastical persons, within such diocess; and to pay to such agent any sum not exceeding 1s. in the pound on all money collected by him, as such bishop shall think fit; and to take security from such agent for the due payment of all such money to the schoolmaster or schoolmasters of the school in such diocess or district, according to the provisions of the said recited acts and this act; and if any such parson or other ecclesiastical person shall, for 3 months after the sum payable by him shall be demanded by such collector, refuse or neglect to pay the same to such collector, it shall be lawful for the archbishop or bishop to sequester the profits of the benefice belonging to such parson, &c. until the same shall be levied and paid. By s. 26. it shall be lawful for every archbishop, bishop, dean and chapter, dean, dignitary, prebendary or rector of any parish, or for any tenant in fee simple, tenant in tail, or tenant for life with remainder in fee, or in tail general or special to his issue, or any of them, by deed to be inrolled in chancery in Ireland, to convey to said commissioners and their successors, for the use of any diocesan or district school, any piece of ground not exceeding 2 plantation acres, which may be chosen as aforesaid, for the scite of such school; and such piece of ground so set apart and conveyed shall from thenceforth be the scite of such school; and every piece of ground now held or used as the scite of any diocesan school, and which shall hereafter cease to be used as such, shall be vested in said commissioners, &c. who shall have power to demise the same for any term not exceeding 31 years, without fine, and for the best rent that can be reasonably got for the same, and to apply the rent thereof for the use of the school of such diocess or district, in such manner as they shall think proper, or to sell the fee or inheritance thereof, or such term or interest as shall be so vested in them, and to apply the purchase money in like manner. By s. 27. for the providing of school houses in such situations as the commissioners may deem proper, it shall be lawful for the commissioners to purchase to them, and their successors, houses already built, with conveniencies thereunto belonging,

ing, or lands and tenements fit for such buildings, &c. for schoolhouses, and for the habitations of schoolmasters, for ever thenceforth to be part of the demesne and land belonging to any school, unalienable, and not to be let or disposed of to any other use; and it shall be lawful for the commissioners, by deed, to exchange any part of the demesnes or lands belonging to any school under the jurisdiction of the commissioners, with any person or body corporate, for lands of equal value lying more convenient for the scite of any such school; and it shall be lawful for every person being seised of an estate tail in possession, or of an estate for life in possession, by deeds under their hands and seals, to grant, sell and exchange such their lands, or any part thereof, for any demesne for any free school, or for any master of a free school, in such manner as persons seised of such estates are enabled to grant, &c. such lands, by virtue of any act in force relative to the exchange of glebe lands, or for the encouragement of protestant schools, and under such restrictions and regulations as are contained in the 2 Ann. c. 10. Ir. or any act for amending the same or extending the benefits thereof.

And exchange lands belonging to schools, for others more convenient.

Tenants in tail, and for life, empowered to sell and exchange lands for the use of free schools.

By s. 28. it shall be lawful for the grand jury of any county in which any diocesan school or district school, or the scite appointed for the same, shall be, to present on the county any sum which they shall think proper, for purchasing, providing, building or repairing any such school-house, or a dwelling house for the master thereof, or any of the offices or appurtenances properly belonging to such school house, &c. or for purchasing or procuring a scite for the same, not exceeding 2 plantation acres: Provided always that whenever any grand jury shall make such presentment for any school house or dwelling house as the school house of the diocess only within which such county shall be situate, or for the dwelling house of the schoolmaster of such diocesan school only, such diocess shall not be or remain united to any other diocess under any of the provisions of this act; but such diocesan school shall be supported within its proper diocess only; and the money raised in such diocess shall be applied solely to the use of such diocesan school, and not to any district school,

s. 28.

Grand juries empowered to present for purchasing, &c. school-houses, &c. for diocesan school-master,

But such diocesan school must, in such case, be supported within its proper diocess.

s. 29.
Penalty for
persons sum-
moned refusing
to attend, or
produce papers,
&c.

or other school out of such diocess. By s. 29. if any person liable to be summoned under this act, or having the custody of any papers, &c. or other documents required to be produced by the commissioners, shall, after being duly summoned, omit to attend, or refuse or decline to be examined on oath, or to produce any of the said papers, &c. every such person, being duly convicted thereof before any one magistrate, for every such offence shall be fined such sum, not exceeding £20, as such magistrate shall think proper. And by s. 30. if any person who by this act is

s. 30.
Persons taking
oaths under this
act liable to
pains of perjury.

required to be examined on oath, or to take any oath in the execution of this act, shall wilfully swear falsely, such person shall be liable to the pains, penalties and disabilities, of persons guilty of wilful and corrupt perjury.

Courts of equity
may order di-
vidends on the
public funds due
to infant par-
ties, to be paid
to guardians,
&c.

52 Geo. 3. c. 32.
G. B.

P. 316 l. 34. The 52 Geo. 3. c. 32. G. B. provides, that it shall be lawful for the courts of chancery and exchequer, in any cause depending in said courts respectively, to order any dividends due and belonging to any infant, party to such cause, on any of the public or other stocks, funds or annuities whatsoever, transferrable in the books of the governor and company of the bank of England, standing in the name of such infant, and to which such infant is beneficially entitled, to be paid to any guardian of such infant, or to any other person, according to the discretion of such courts respectively, to or for the maintenance or education, or otherwise for the use and benefit of such infant; such guardian or other person being named in the order directing such payment; and the receipt, acquittance or discharge of such guardian, &c. for such dividend or sum of money as shall be so ordered, or any part thereof, shall be as good, at law and in equity, to and for said governor and company, against such infant, his executors, administrators or assigns, as if such receipt had been actually signed by such infant after he or she had attained the age of majority, and was capable by law of signing and giving the same; and this act shall be a complete indemnity to the said governor and company of the bank of England. And the 52 Geo. 3. c. 158. G. B. recites the 36 Geo. 3. c. 90. Eng. and 52 Geo. 3. c. 32. G. B. *supra*, and enacts, that all the provisions and enactments

52 Geo. 3. c. 158.
G. B.

The provisions
of the 36 Geo. 3.
c. 90. and

enactments in the said several acts contained, in any ways relating to any stocks or annuities transferrable at the bank of England, or transferrable in the books of the governor and company of the bank of England, or to any dividends on such stocks or annuities, shall extend to the South Sea stock, East India stock, and all other stocks, annuities and funds transferrable in the books of the South Sea company, or in the books of the united company of merchants trading to the East Indies, or in the books of any other company or society established or to be established, and to the dividends payable thereon, as if such provisions, &c. *mutatis mutandis*, were here inserted at length. Provided (s. 2.) that in all cases in which by the said first recited act, any act is directed to be done by the accountant general, or the secretary or deputy secretary of the governor and company of the bank of England, the same acts, so far as they relate to South Sea stock, East India stock, or other stocks or annuities, to which the provisions, &c. of the said recited acts are hereby extended, shall be done by such persons as shall be appointed for that purpose by the several orders of the court of chancery or exchequer, or of the lord chancellor, under the authority of which such acts respectively are to be done. And by s. 3. this act shall be a complete indemnity to the South Sea company, East India company, and all other companies and societies, and their officers and servants, for all things done or permitted to be done pursuant thereto; and the same shall not be questioned or impeached in any court of law or equity, to their prejudice. The 57 Geo. 3. c. 39. G. B. extends the provisions of the 36 Geo. 3. c. 90. Eng. and 52 Geo. 3. c. 158. G. B. to all cases of petitions on which the court of chancery, or the lord chancellor, &c. master of the rolls, or vice chancellor of England, or the court of exchequer, are by law authorized to grant relief, and make summary orders without suit, either in matters of charity, or relative to or for the better security, or for the application, receipt, payment, or transfer of any of the funds thereof; or in matters relative to any benefit or friendly societies, or for the better security, &c. of any of the funds thereof.

52 Geo. 3. c. 32.
extended to
South Sea stock,
East India
stock, &c.

s. 3.

The acts directed to be done by the accountant general, &c. of the bank of England under 36 Geo. 3. c. 90. done under this act by such person as the court shall direct.

s. 3.

Companies indemnified for payments under this act.

The provisions of the 36 Geo. 3. c. 90, and 52 Geo. 3. c. 158. extended to petitions to chancery, &c. in matters of charity, or relating to friendly societies.

57 Geo. 3. c. 39. G. B.

Extraordinary commissioners may be appointed by lord chancellor of Ireland to examine witnesses, and take affidavits, &c. in England and Scotland.

55 Geo. 3. c. 157. s. 1. I.

* misprinted
"or"

s. 2.

Extraordinary commissioners may be also appointed by court of exchequer in Ireland for the same purposes.

s. 3.

Said courts may regulate fees and travelling charges of such commissioners.

P. 354. l. 4. By the 55 Geo. 3. c. 157. I. (already in part stated, *ante* p. 253) the lord chancellor of Ireland, or other person or persons having the custody of the great seal for time being, are authorized to appoint one proper person (or more) to swear and examine, in England and Scotland, witnesses who shall be produced before him or them in England or Scotland, to be sworn, &c. in suits depending in the court of chancery in Ireland as a court of equity; and to take in England or Scotland answers, pleas and demurrers, [*of] defendants in such suits, and affidavits of parties and others in such suits, in the same manner as the masters in ordinary of the said court of chancery may swear, and the examiner of said court may examine such witnesses, and as the said masters may take such answers, pleas and demurrers, and such affidavits, according to the practice of said court. And by s. 2. the lord treasurer, chancellor, and barons of the exchequer in Ireland, or any 2 or more of them, whereof the lord treasurer, chancellor, or lord chief baron shall be one, are empowered to appoint one fit person, or more, to swear and examine, in England or Scotland, witnesses who shall be there produced to be sworn, &c. as witnesses in suits depending in said court as a court of equity, and to take in England and Scotland answers, pleas and demurrers, of defendant in such suits, and affidavits of parties and others in suits depending in said court as a court of law or equity, in the same manner as the barons of said court may swear, &c. such witnesses, and take such answers, &c. and affidavits, according to the practice of said court. And by s. 3. the lord chancellor, &c. the master of the rolls, and the judges of the king's bench, and barons of the exchequer, or 5 or more of them, of whom the lord chancellor or lord keeper, the chief justice of K. B. or C. B. or chief baron of Exc. shall be one, shall, from time to time, order and direct the fees to be taken by the several commissioners to be so appointed, exclusive of travelling charges and expenses, when any such commissioner shall be required to travel from his place of abode for any of the purposes of this act; and shall also, from time to time, order, &c. the rates

rates to be taken for such travelling charges, &c. And by

s. 4. the persons so appointed by said courts respectively, shall hold such offices during the pleasure of the court so appointing them, and shall be deemed to be officers thereof, for the purposes aforesaid; and such commissioners respectively shall have power to summon persons to attend them, respectively, at such times and places as they shall appoint, to be sworn and examined as witnesses in suits depending in the courts so appointing them, in the same manner as commissioners appointed by special commission by such courts respectively may examine such witnesses. *Such officers to hold during the pleasure of the respective courts; and to have power to summon witnesses before them.*

By s. 5. every person who shall be appointed an extraordinary commissioner under this act, shall, previous to entering upon the duties of such office, take the oath of office herein-after mentioned; which oath shall be taken by every such officer as shall be appointed by the court of chancery of Ireland to such duty in England, before one of the masters in ordinary of the court of chancery of England, or other person in England appointed by the court of chancery of England to take affidavits in said court; and such oath shall be taken by every such officer as shall be so appointed to such duty in Scotland, before one of the lords of the sessions in Scotland, or other person or persons lawfully authorized to take affidavits in said court; and if appointed by the court of exchequer of Ireland to such duty in England, then such oath shall be taken before one of the barons of the court of exchequer of England, or other person in England appointed by the court of exchequer of England to take affidavits in said court; and if appointed by the court of exchequer of Ireland to such duty in Scotland, then before one of the barons of the court of exchequer of Scotland, or other person in Scotland appointed by the court of exchequer of Scotland to take affidavits in said court; and every such oath shall, immediately after the same hath been so taken, be transmitted by the officer so taking the same to the proper officer for filing affidavits in the court by which such person has been appointed such commissioner, who shall, upon receipt thereof, file the same as other affidavits. By s. 6. the

s. 5.

Oath of office before whom taken by such commissioners.

following

s. 6.

Form of oath.

following form of oath is prescribed: "I do solemnly
 "and sincerely swear, that I will duly and faithfully, and
 "to the best of my skill and power, execute the office of
 "an extraordinary commissioner of the court of
 "of in for the purposes men-
 "tioned in the act passed in the year of the reign of
 "his majesty king George the third, intituled "An act for
 "the better examination of witnesses in the courts of
 "equity in Ireland, and for empowering the courts of
 "law and equity in Ireland to grant commissions for
 "taking affidavits in all parts of Great Britain," and shall
 "in every respect, to the best of my knowledge, conform
 "to the rules and orders of the said court, and provisions
 "of the said act. So help my God." And by s. 7. the

s. 7.

*Said courts may
 make orders
 from time to
 time touching
 the conduct of
 such officers.*

s. 8.

*Persons swear-
 ing falsely be-
 fore such officers
 to be guilty of
 perjury.*

*On resignation,
 &c. of account-
 ant general
 property to vest
 in successor.*

*54 Geo. 3 c. 14.
 U. K.*

P. 366. l. 35. The 54 Geo. 3. c. 14. U. K.* provides,
 that in all cases in which by virtue of this act, or of any
 act of parliament, conveyance, assignment, transfer, obli-
 gation or security, any interest in real or personal estate,
 &c. hath been or shall be vested in, or made payable or
 secured to the accountant general of the court of chance-
 ry in respect of such his office, the same, upon the death,
 removal, or resignation of such accountant general, shall
 vest

* There is nothing in this act to restrain it to the court of chancery of
 England, though perhaps it was so intended.

vest (subject to the same trusts as the same were before respectively subject to) in the succeeding accountant general, by force of this act, and without any act to be done by the accountant general resigning or removed, or by the heirs, executors or administrators of any accountant general resigning, removed, or dying, or any person claiming under him or them, and notwithstanding any such interest may have been expressed to have been vested, &c. in the accountant general, his heirs, executors, administrators and assigns, or any of them, and shall and may be proceeded upon in the name of such succeeding accountant general, &c. And by s. 2. in all cases in which by virtue of any act of parliament, &c. any interests in any real or personal estate have been heretofore vested in any former accountant general as accountant general, and which, notwithstanding, may now remain vested in his heirs, executors or administrators, the same shall, by force of this act, be vested in the present accountant general, and shall and may be proceeded upon in the name of the present accountant general, or the accountant general hereafter for the time being, &c. And by s. 3. all acts done or to be done by the present or any future accountant general, under any order or decree of the court of chancery, touching any real or personal estate, the interest wherein is by this act vested in the present accountant general, and in succeeding accountants general, shall, by force of this act, be deem valid; and also all acts heretofore done by any accountant general for the time being, in obedience to any such order or decree, touching any real or personal estate, the interest wherein might have remained, at the time such acts were done, in any former accountant general who had resigned, or been removed, or in the heirs, executors or administrators of any then deceased accountant general, shall by force of this act be deemed to be valid.

s. 2.
Property heretofore vested in any former accountant general, vested in present accountant general, &c.

s. 3.
Acts done by present or any former accountant general, under any order of court, valid.

P. 370. l. 1. The 55 Geo. 3. c. 114. I. which respects the authority of the master of the rolls in Ireland to appoint the six clerks of the court of chancery in this country, has been already stated *ante* p. 179. &c. and is to be here referred to.

Of Offences against God and Religion.

The 9 & 10

W. c. 32. Eng.

and W. & M.

st. 1. c. 8. Eng.

in part repea-

ed.

55 Geo. 3. c. 160.

s. 1 & 2. G. B.

s. 3.

Acts in Scotland

again blas-

phemy repealed.

s. 4.

Public act.

Several statutes
respecting non-
conformists re-
pealed.

52 Geo. 3. c. 55.
G. B.

s. 2.

Assemblies of
more than 20
persons for re-
ligious worship
not permitted,
unless a place
duly certified
and registered.

P. 373. *l.* 21. and *P.* 390. last line. The 53 Geo. 3. c. 160. s. 2. G. B. recites the 9 & 10 W. 3. c. 32. Eng. and repeals the provisions thereof, so far as the same relate to persons denying, as therein mentioned, respecting the holy Trinity. And this act (s. 1.) also recites and repeals so much of the 1 W. & M. st. 1. c. 18. Eng. as provides that that act should not extend to give any ease or benefit to persons denying the Trinity, as therein mentioned. And by s. 3. an act passed in Scotland in the first parliament of king Charles II. intituled "An act against the crime of blasphemy;" and another act passed in the parliament of Scotland in the first parliament of king William, intituled "An act against blasphemy;" which acts respectively ordain the punishment of death, are also repealed. By s. 4. this act shall be deemed to be a public act.

P. 385. *l.* 3. to *P.* 387. *l.* 5. The 52 Geo. 3. c. 155. G. B. repeals the 13 & 14 Car. 2. c. 1. Eng. intituled "An act for preventing the mischiefs and dangers that may arise by certain persons called "Quakers," and others, refusing to take lawful oaths;" and also the 17 Car. 2. c. 2. Eng. intituled "An act for restraining non-conformists from inhabiting in corporations;" as also the 22 Car. 2. c. 1. Eng. intituled "An act to prevent and suppress seditious conventicles." And by s. 2. enacts, that no congregation or assembly for religious worship of protestants, at which there shall be present more than 20 persons besides the immediate family and servants of the person in whose house or upon whose premises such meeting &c. shall be had, shall be permitted or allowed unless and until the place of such meeting, if the same shall not have been duly certified and registered under any former act or acts of parliament relating to registering places of religious worship, shall have been certified to the bishop of the diocess, or to the archdeacon of the archdeaconry,

deaconry, or to the justices of peace at the general or quarter sessions of the peace for the county, riding, division, city, town or place, in which such meeting shall be held; and all places of meeting which shall be so certified to the bishop's or archdeacon's court, shall be returned by such court once in each year to the quarter sessions of the county, &c.; and all places of meeting which shall be so certified to the quarter sessions shall be also returned, once in each year, to the bishop or archdeacon; and all such places shall be registered in the said bishop's or archdeacon's court respectively, and recorded at the said general or quarter sessions; the registrar or clerk of the peace whereof respectively is hereby required to register and record the same; and the bishop or registrar, or clerk of the peace, to whom any such place of meeting shall be certified under this act, shall give a certificate thereof to such person or persons as shall request or demand the same, for which there shall be no greater fee taken than 2s. 6d.; and every person who shall knowingly permit or suffer any such congregation, &c. to meet in any place occupied by him, until the same shall have been so certified as aforesaid, shall forfeit, for every time any such congregation, &c. shall meet contrary to the provisions of this act, a sum not exceeding £20 nor less than 20s. at the discretion of the justices who shall convict for such offence. *Fee for certificate.*

Provided (s. 3) that every person who shall teach or preach in any congregation, &c. as aforesaid, in any place, without the consent of the occupier thereof, shall forfeit for every such offence any sum not exceeding £30. nor less than 40s. at the discretion of the justices who shall convict for such offence. *Penalty for suffering meeting in uncertificated places.*

And by s. 4. every person who shall teach or preach at, or officiate in, or shall resort to any congregation, &c. for religious worship of protestants, whose place of meeting shall be duly certified according to the provisions of this act, or any other act or acts of parliament relating to the certifying and registering of places of religious worship, shall be exempt from all pains and penalties under any act of parliament relating to religious worship, as any person who shall have taken the oaths, and made the declaration prescribed *s. 3.* *Penalty for teaching or preaching in any place without consent of occupier.* *s. 4.* *Persons preaching, &c. in place duly certified, exempt from penalties of statutes against non-conformists.*

s. 5.
*Preachers and
 teachers to take,
 &c. oaths, and
 declaration
 specified in the
 19 Geo. 3. c. 44.
 at request of
 any justice of
 peace.*

*Penalty in
 default thereof.*

s. 6.
*Proviso as to
 not going above
 5 miles to take
 oaths.*

s. 7.
*Oaths, &c.
 taken, &c. in
 presence of a
 justice, and by
 him attested, and
 transmitted to
 clerk of the
 peace.*

s. 8.
*Certificate of
 taking oaths, &c.
 to be given by
 justice in what
 form,*

prescribed by the 1 W. & M. st. 1. c. 18. Eng. or any act amending said act, is by law exempt, &c. Provided (s. 5.) that every person not having taken the oaths and subscribed the declaration herein-after specified, who shall preach or teach at any place of religious worship certified in pursuance of this act, shall, when thereto required by any one justice of peace, by any writing under his hand or signed by him, take, and make and subscribe, in the presence of such justice, the oaths and declarations specified in the 19 Geo. 3. c. 44. Eng. (see Addenda vol. II. p. 392); and no such person who, upon being so required to take such oaths, and make such declaration as aforesaid, shall refuse to attend the justice requiring the same, or to take, and make and subscribe such oaths and declaration as aforesaid, shall be permitted to teach or preach in any such congregation, &c. until he shall have taken such oaths and made such declaration, on pain of forfeiting, for every time he shall so teach, &c. any sum not exceeding £10. nor less than 10s. at the discretion of the justice convicting, &c. Provided (s. 6.) that no person shall be required by any justice of peace to go to any greater distance than 5 miles from his own home, or from the place where he shall be residing at the time of such requisition, for the purpose of taking such oaths. And by s. 7. it shall be lawful for any of his majesty's protestant subjects to appear before any one justice of the peace, and to produce to such justice a printed or written copy of the said oaths and declaration, and to require such justice to administer such oaths, and to tender such declaration to be taken, &c. by him; and such justice shall administer such oaths, &c. to the person requiring to take, &c. the same; and such person shall take, &c. such oaths and declaration in the presence of such justice; and such justice shall attest the same to be sworn before him, and shall transmit or deliver the same to the clerk of the peace for the county, &c. for which he shall act as such justice, before or at the next general or quarter sessions of the peace for such county, &c. And by s. 8. every justice of peace before whom any person shall take, &c. such oaths, &c. shall, forthwith, give to the person having taken,

taken, &c. such oaths, &c. a certificate thereof, under
 “ the hand of such justice, in the form following “ I *A. B.*
 “ one of his majesty’s justices of peace, for the county,
 “ [riding, division, city or town, or place as the case may
 “ be] of do hereby certify, that *C. D.* of &c.
 “ [describing the christian and surname, and place of abode
 “ of the party] did this day appear before me, and did
 “ make and take, and subscribe the several oaths and de-
 “ claration specified in an act made in the fifty second
 “ year of the reign of king George the third, intituled “ An
 “ act to repeal certain acts, and amend other acts relating
 “ to religious worship and assemblies, and persons teach-
 “ ing or preaching therein.” Witness my hand this
 day of one thousand eight hundred and .”

and for the making and signing of which certificate, where
 the said oaths and declaration are taken and made on the
 requisition of the party taking and making the same, such
 justice shall be entitled to a fee of 2s. 6d. and no more,
 and such certificate shall be conclusive evidence that the
 party named therein has made and taken the oaths, and
 subscribed the declaration, in manner required by this act.

By s. 9. every person who shall teach or preach in any
 such congregation, &c. who shall employ himself solely
 in the duties of a teacher or preacher, and not follow or
 engage in any trade or business, or other profession, oc-
 cupation or employment, for his livelihood, except that of
 a schoolmaster, and who shall produce a certificate of
 some justice of peace, of his having taken and made, and
 subscribed the oaths and declaration aforesaid, shall be
 exempt from the civil services and offices specified in the
 1 W. & M. st. 1. c. 18. and from being ballotted to serve
 and from serving in the militia or local militia of any
 county, &c. of the united kingdom. By s. 10. every

s. 9.

*Preachers or
 teachers, &c.
 not to follow
 any other trade
 &c. except that
 of a schoolmas-
 ter :*

*And exempt
 from civil ser-
 vices, &c.*

s. 10.

*Penalty for
 producing false
 certificate.*

person who shall produce any false certificate of his hav-
 ing made and taken the oaths, and subscribed the declara-
 tions, by this act required, for the purpose of claiming any
 exemption from civil or military duties as aforesaid, under
 this or any other act of parliament, shall forfeit £50 ;
 which penalty may be recovered by and to the use of any
 person who will sue for the same by action of debt, &c. in
 any court of record at Westminster, or the courts of great
 sessions

s. 11.

Penalty for holding meetings for religious worship with door locked, &c.

sessions in Wales, or the courts of the counties palatine of Chester, Lancaster, and Durham; as the case shall require; wherein, &c. By s. 11. no meeting, assembly or congregation of persons for religious worship, shall be had in any place with the door locked, bolted or barred, or otherwise fastened, so as to prevent any persons entering therein during the time of any such meeting, &c.; and the person teaching or preaching at such meeting, &c. shall forfeit for every time any such meeting, &c. shall be held with the door locked, &c. as aforesaid, any sum not exceeding £20. nor less than 40s. at the discretion of the justices convicting for such offence. And by s. 12. if any person shall wilfully and maliciously, or contemptuously, disquiet or disturb any meeting, &c. assembled for religious worship, authorized by this or any former act of parliament, or shall in any way disturb, molest or misuse any preacher, teacher, or person officiating at such meeting, &c. or any person there assembled, such offender, upon proof thereof before any justice of peace by 2 or more credible witnesses, shall find 2 sureties to be bound by recognizances in the penal sum of £50. to answer for such offence, and in default of such sureties shall be committed to prison, till the next general or quarter sessions; and upon conviction at said sessions shall suffer the penalty of £40. Provided (s. 13.) that nothing in this act shall affect the celebration of divine service according to the rites of the united church of England and Ireland, by ministers of said church, in any place hitherto used for such purpose, or being now or hereafter duly consecrated or licensed by any archbishop or bishop, or other person lawfully authorized to consecrate or license the same, or to affect the jurisdiction of the archbishops or bishops, or other persons exercising lawful authority in the church of the united kingdom over said church, according to the rules and discipline of the same, and to the laws and statutes of the realm. And provided (s. 14.) that nothing in this act shall extend to the people called "Quakers," nor to any meetings, &c. for religious worship held or convened by such persons; or in any manner to alter or repeal any act, (other than the

s. 12.

Persons disturbing, &c. meeting for religious worship how punished.

s. 13.

Proviso as to service of established church, and the jurisdiction of bishops, &c.

s. 14.

Proviso as to "Quakers."

the acts passed in the reign of king Charles II. hereinbefore repealed,) relating to the people called "Quakers," or to any assemblies, &c. for religious worship held by them. By s. 15. every person guilty of any offence for which any pecuniary penalty is imposed by this act, in respect of which no special provision is made, shall and may be convicted thereof by information upon the oath of one credible witness, or more, before any 2 or more justices of peace acting in and for the county, &c. wherein such offence shall be committed; and all the penalties under this act shall be levied by distress under the hand and seal, or hands and seals, of 2 justices of peace for the county, &c. in which any such offence was committed, or where the forfeiture was incurred, and shall be paid one moiety to the informer, and the other to the poor of the parish in which the offence was committed; and in case of no sufficient distress, it shall be lawful for any such justice before whom any such offender shall be convicted, to commit such offender to prison for such time, not exceeding 3 months, as said justices shall think fit. By s. 16. any person who shall be convicted of any of the offences punishable by this act, may appeal to the general or quarter sessions of the peace holden next after such conviction in and for the county, &c. giving unto the justices before whom such conviction shall be made, notice in writing, within 8 days after such conviction, of his intention to prefer such appeal; and the said justices, in their said sessions, shall and may proceed to the hearing and determination of the matter of such appeal, and make such order therein, and award such costs to be paid by and to either party, not exceeding 40s. as they shall think fit. By s. 17. no penalty shall be recoverable under this act, unless the same shall be sued for, or the offence in respect of which the same is imposed is prosecuted before the justices of peace [*at their general] or quarter sessions, within 6 months after the offence shall have been committed; and no person who shall suffer any imprisonment for non-payment of any penalty shall thereafter

s. 15.

Penalties how recovered and levied.

s. 16.

Appeals to sessions how preferred, &c.

s. 17.

*Limitation for suits, &c. for penalties, &c.**Proviso as to persons suffering imprisonment for non-payment of penalties.*

* These words seem to have been omitted in the printed statute.

s. 18,
Pleading, &c.
in action
brought for any
thing done un-
der this act.

thereafter be liable to the payment of such penalty. By s. 18. every action or suit which shall be brought against any person for any thing done in pursuance of this act, shall be commenced within 3 months next after the fact committed, and shall be laid and brought in the county wherein the alleged cause of action shall have accrued; and the defendant may plead the general issue, and give this act and the special matter in evidence on any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or if any such action, &c. shall be brought after the time so limited for bringing the same, or shall be brought in any other county, city or place, then the jury shall find for such defendant; and upon such verdict, or if the plaintiff shall become nonsuited, or discontinue his action, or if a verdict shall pass against the plaintiff, or if, upon demurrer, judgment shall be given against him, the defendant shall recover treble costs. By s. 19. this act shall be deemed a public act.

s. 19.
Public act.

The 6 Geo. 1.
c. 5. Ir. repeal-
ed, so far as it
affects persons
denying the
Trinity.

57 Geo. 3. c. 70.
I.

The 19 Geo. 3.
c. 44. Eng. and
53 Geo. 3. c. 160.
G. B. extended
to Ireland.

P. 393. l. 16. and P. 394. l. 30. The 57 Geo. 3. c. 70. I. recites the 19 Geo. 3. c. 44. Eng. and that its provisions have not been enacted or made law in Ireland; and that it has been and may be reasonably doubted, whether the provisions of the 53 Geo. 3. c. 160. G. B. *ante p. 328.* do extend to or were intended to affect Ireland; and that it is meet and proper that equal freedom of religious worship should be secured by law to every part of the united kingdom; and therefore enacts, that such of the provisions of the 6 Geo. 1. c. 5. Ir. as purport to affect by penalties or disqualifications any person who, by his preaching or writing, shall deny the doctrine of the blessed Trinity, be repealed; and that all the provisions of the 19 Geo. 3. c. 44. Eng. and 53 Geo. 3. c. 160. G. B. shall be of full force in Ireland.

P. 440. l. 1. The 53 Geo. 3. c. 160. G. B. *ante p. 328.* is to be here also referred to.

Of High Treason.

P. 471. l. 3. The 57 Geo. 3. c. 6. G. B. recites the provisions of the 36 Geo. 3. c. 7. s. 1. Eng. and enacts, that the said recited provisions which relate to the heirs and successors of his majesty, the sovereigns of these realms, shall be perpetual. And by s. 2. (which recites the late daring outrages offered to the person of his royal highness the prince regent of the united kingdom, at the opening of the session,) enacts, that if any person, during the period in which his royal highness shall remain in the personal exercise of the royal authority, shall, within the realm or without, compass, imagine, invent, devise or intend death or destruction, or any bodily harm tending to death or destruction, maim or wounding, imprisonment or restraint of the person of his royal highness, and such compassings, &c. or any of them, shall express, utter or declare, by publishing any printing or writing, or by any overt act or deed, being legally convicted upon the oaths of two credible witnesses upon trial, or otherwise convicted or attainted by due course of law, he shall be adjudged a traitor, and suffer death and forfeit as in cases of high treason. And this act (s. 3.) recites the 39 & 40 Geo. 3. c. 93. Eng. (*vide* vol. II. p. 1202.) and enacts, that all the clauses, provisions, and regulations in said act, shall extend to every case of high treason in compassing or imagining the death of the prince regent, and misprision of such treason, where the overt act alleged in the indictment shall be assassination or killing of the prince regent, or any direct attempt against his life or person, whereby his life may be endangered, or his person may suffer harm. Provided (s. 4.) that every person who shall be accused, or indicted or prosecuted for any offence made or declared high treason by this act, shall be entitled to the benefit of the 7 W. 3. c. 3. Eng. and 7. Ann. c. 21. Eng. save in cases of high treason in compassing or imagining the death of any heir

The provisions of the 36 Geo. 3. c. 7. s. 1. Eng. perpetuated.

57 Geo. 3. c. 6. G. B.

s. 2.

Devising death, &c. imprisonment or restraint of prince regent, high treason, if expressed by printing, writing, or overt act.

s. 3.

Where the overt act shall be killing, or attempting to kill or do bodily harm to prince regent, offender tried under the 39 & 40 Geo. 3. c. 93. Eng.

s. 4.

And in such cases the offender shall not have the benefit of the 7 W. 3. c. 3. or 7 Ann. c. 21.

s. 5.
This act not to
bar other prose-
cutions, &c.

s. 6.
The 54 Geo. 3.
c. 146. to extend
to the treasons,
&c. created by
this act.

or successor of his majesty, or the death of the prince regent, and of misprision of such treason, where the overt act alleged in the indictment shall be assassination or killing of any heir or successor of his majesty, or assassination or killing the prince regent, or any direct attempt against the life of any heir or successor of his majesty, or against the person of the prince regent whereby the life of such heir, &c. or of the prince regent may be endangered, or the person of such heir, &c. or of the prince regent, may suffer bodily harm. Provided (s. 5.) that nothing in this act shall prevent or affect any prosecution by information or indictment, to which any person would have been liable if this act had not been enacted, unless the party shall have been first prosecuted under this act. And provided (s. 6.) that the 54 Geo. 3. c. 146. (which will be stated under the head of "Judgment and its Consequences,") shall have the same effect as to sentences and judgments to be pronounced under this act, as if this act had been made before the 54 Geo. 3. c. 146.

Of Felonies injurious to the King's Prerogative.

Persons coun-
terfeiting bank
dollars or tokens
transported for
14 years.
52 Geo. 3. c. 138,
G. B.

P. 499. l. 5. The 52 Geo. 3. c. 138. G. B. recites, that the governor and company of the bank of England had caused to be coined, or stamped and circulated, a large quantity of silver dollars, containing on the obverse side thereof an impression of his majesty's head, and the following words and letters, viz.: "*Georgius III. Dei Gratia Rex.*" and on the reverse side thereof the impression of *Britannia*, and the following words and figures, &c. viz.: "Five Shillings Dollar Bank of England, 1804." and that the said governor and company had, with the approbation of the privy council, issued and circulated a quantity of silver pieces, denominated "Tokens," for the respective sums of three shillings, and one shilling and six-pence, such

such tokens for the sum of three shillings containing on the obverse side thereof an impression of his majesty's head, and the following words and letters, viz: "*Georgius III. Dei Gratia Rex.*" and on the reverse side thereof, "Bank Token 3 Shill." with the addition of the year in which the same were respectively made and stamped; and such tokens for the sum of one shilling and six pence containing the same impression, words and letters, on the obverse side thereof, as upon the said token for three shillings, and on the reverse side thereof, the following words and figures, viz: "Bank Token 1s. 6d." with the addition of the year in which the same were respectively coined or stamped; and that the said governor and company intended to issue, &c. other like tokens for the respective sums of 3s. and 1s. 6d.; and enacts, that if any person shall, after the 1st. August, 1812, make, coin, or counterfeit, or cause to be made, &c. or willingly act or assist in the making, &c. any coin, medal, or device, resembling, or made with intent to resemble or look like the said dollars or tokens, or any of them, or to pass as such, every such offender shall be guilty of felony, and be transported for 14 years. And by s. 2. if any person shall utter, offer or tender in payment, or sell or give in exchange, or pay or put off to any person any such false or counterfeit dollar or token, knowing the same to be false, &c. and shall, either on the same day, or within 10 days afterwards, utter, offer or tender in payment, or sell or give in exchange, or pay or put off any other such false dollar or token, knowing the same to be false, &c. to the same or any other person, or shall, at the time of such first uttering, &c. have in his custody or possession one or more such counterfeit dollar or token, or any piece of counterfeit money besides what was so uttered, &c. such person so uttering, &c. shall be deemed to be a common utterer of such counterfeit dollars or tokens, and, being thereof convicted, shall suffer one year's imprisonment, and shall find sureties for his good behaviour for 2 years more; and if any person so convicted as a common utterer shall be convicted a second time of such offence of uttering, &c. any counterfeit dollar or token, he shall be deemed guilty of felony, and be transported for 14 years.

s. 2.

Persons uttering &c. counterfeit tokens, &c. a second time, within 10 days, or having more than one in their possession, deemed common utterers, and imprisoned 2 years, &c.

And if convicted a 2nd time, transported for 14 years.

But

s. 3.
Persons con-
victing their
accomplices ex-
empt from pro-
secution.

But by s. 3. if any person being out of prison, shall, after the 1st of August, 1812, commit any of the offences aforesaid, and shall afterwards discover 2 or more persons, who shall, after the 1st August, 1812, have committed any of the said offences, so as such persons shall be thereof convicted, such discoverer shall not be liable to prosecution for any of the said offences which he may have previously committed. By s. 4. if any person shall be convicted of uttering, &c. any such counterfeit dollar or token, and shall afterwards be guilty of the like offence in any other county, &c. the clerk of assize or clerk of the peace for the county, &c. where such conviction was so had, shall, at the request of the prosecutor, or any other person on his majesty's behalf, certify the same by a transcript in a few words, containing the effect and tenor of such conviction, for which certificate 2s. 6d and no more shall be paid, and such certificate being produced in court shall be sufficient proof of such former conviction.

s. 4.
Certificate of
clerk of assize,
&c. evidence of
conviction in
another county.

No tokens of
gold or silver to
be issued.

52 Geo. 3. c. 157.
G. B.

The 52 Geo. 3. c. 157. G. B. enacts, that no piece of gold or silver, or mixed metal composed in part of gold or silver, of whatever value the same may be, shall be made or manufactured, or originally issued as a token for money, or as purporting that the bearer or holder thereof is entitled to demand any value denoted thereon, either by letters, words, figures, marks or otherwise, whether such value is to be paid or given in money or goods, or in any manner whatsoever; and every person who shall, after the passing of this act, (29 July, 1812,) make or manufacture, or originally issue, or cause or procure to be made, &c. or permit to be so issued on his behalf, as for any nominal value in money or goods, any such token, shall for every token so made, &c. or procured or permitted to be so made, &c. forfeit any sum not less than £5. or more than £20. at the discretion of the justice or justices of the peace who shall hear, &c. such offence. And by s. 2. after the 25th day of March, 1813,* no piece of gold or silver, or of any mixed metal composed partly of gold or silver, of whatever value the same may be, shall pass or circulate

Penalty.

s. 2.
Penalty for
circulating them
after March 25,
1813, though
not concerned in

* Vide 54 Geo. 3. c. 4. post.

circulate as a token for money, or as purporting that the bearer or holder thereof is entitled to demand any value denoted thereon, either by letters, &c. or otherwise, whether such value is to be paid, &c. in money, &c. or in any manner whatever; and every person who shall, after said day, circulate or pass, as for any nominal value in money or goods, any such token, shall, for every such token so circulated or passed, whether such person shall be or have been concerned in the original issuing or circulation of any such token, or only the bearer or holder thereof for the time being, forfeit any sum not less than £5. or more than £20. at the discretion of the justice, &c. who shall hear, &c. such offence: provided that nothing in this act shall prevent any person from presenting any such token for payment to the original issuer thereof, or to discharge such original issuer from his liability to pay the same. And by s. 3. nothing in this act shall extend to any tokens issued or circulated by the bank of England or bank of Ireland, or to subject any company or person to any penalty for issuing or circulating such tokens. By s. 4. it shall be lawful for any justice of the peace acting for the county, &c. within which any offence against this act shall be committed, to hear and determine the same in a summary way; and such justice, &c. upon any information exhibited or complaint made upon oath in that behalf, shall summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one credible witness, or more, or otherwise, shall convict the offender, and adjudge the penalty. And by s. 5. if any person shall be summoned as a witness to give evidence before such justice, &c. either on the part of the prosecutor or person accused, and shall neglect or refuse to appear at the time or place to be for that purpose appointed, without a reasonable excuse for such his neglect, &c. to be allowed by such justice, &c. he shall forfeit, &c. £20. to be levied in such manner as directed for recovery of other penalties under this act. By s. 6. the following form of conviction is prescribed: "Be it remembered, that on the

originally issuing them.

Proviso as to presenting for payment.

s. 3.
Exception of banks of England and Ireland.

s. 4.
Justices of peace to try offences.

s. 5.
Penalty on witnesses not attending before justices.

s. 6.
Form of conviction.

" day

Convictions re-
turned to quar-
ter sessions.

s. 7.
Clerk of the
peace to give
copies.

s. 8.
Penalties how
levied, &c.

Form of war-
rant of distress.

“ day of in the year of our Lord *A. B.*
 “ having appeared before me [*or us*] one [*or more*] of his
 “ majesty’s justices of the peace, [*as the case may be*] and
 “ due proof having been made upon oath by one or more
 “ credible witness or witnesses, or by confession of the
 “ party, [*as the case may be*] is convicted of [*specifying*
 “ *the offence.*] Given under my hand and seal, [*or our*
 “ hands and seals,] the day and year aforesaid:” which
 conviction the said justice, &c. shall cause to be returned
 to the then next general quarter sessions of the peace of
 the county, &c. where such conviction was made, to be
 filed by the clerk of the peace, to remain among the
 records, &c. And by s. 7. the clerk of the peace
 for any county, &c. shall, upon application made to
 him by any person for that purpose, cause a copy of
 any conviction filed by him under this act, to be forthwith
 delivered to such person upon payment of 1s. for every
 such copy. By s. 8. the pecuniary penalties hereby in-
 curred shall be forthwith paid by the person convicted, as
 follows: one moiety to the informer, and the other to the
 poor of the parish or place where the offence shall be com-
 mitted; and in case such person shall refuse or neglect to
 pay the same, or to give sufficient security to the satisfac-
 tion of such justice, &c. to prosecute any appeal against
 such conviction, such justice, &c. shall, by warrant, &c.
 cause the same to be levied by distress, &c. together with
 all costs and charges attending such distress, &c.; which
 warrant shall be in the form following: “ To the con-
 “ stable, head borough or tythingman of *A. B.* of in the county of
 “ Whereas *A. B.* of in the county of
 “ is this day convicted before me [*or us*] one [*or more*]
 “ of his majesty’s justices of the peace, [*as the case may*
 “ *be,*] for the county of [*or for the*
 “ riding of the county of York] [*or for the town*
 “ liberty or district of *as the case may*
 “ *be*] upon the oath of *or* a credible
 “ witness [*or witnesses,*] [*or by confession of the party as*
 “ *the case may be,*] for that the said *A. B.* hath [*here*
 “ *set forth the offence,*] contrary to the statute in that case
 “ made and provided, by reason whereof the said *A. B.*
 “ hath forfeited the sum of to be distributed

“ as

“ as herein is mentioned, which he hath refused to pay ;
 “ these are therefore, in his majesty's name, to command
 “ you to levy the said sum of by distress of
 “ the goods and chattels of him the said *A. B.* and if
 “ within the space of days next after such distress
 “ by you taken, the said sum, together with the reasonable
 “ charges of taking the same, shall not be paid, then
 “ that you do sell the said goods and chattels so by you
 “ distrained, and out of the money arising by such sale,
 “ that you do pay one half of the said sum of

“ to of who informed me [*or*
 “ us as the case shall be,] of the said offence, and the
 “ other half of the said sum of to the over-
 “ seer of the poor of the parish, township or place, where
 “ the offence was committed, to be employed for the
 “ benefit of such poor, returning the overplus if any,
 “ upon demand, to the said *A. B.* the reasonable charges
 “ of taking, keeping, and selling the said distress being
 “ first deducted ; and if sufficient distress cannot be found
 “ of the goods and chattels of the said *A. B.* whereon to
 “ levy the said sum of that then you certify
 “ the same to me, [*or us as the case shall be,*] together
 “ with this warrant. Given under my hand and seal [*or*
 “ hands and seals,] the day of in the
 “ year of our Lord .” And by s. 9. it

shall be lawful for such justice, &c. to order such offender
 to be detained in safe custody until return may be con-
 veniently made to such warrant, unless such party shall
 give security, to the satisfaction of such justice, &c. for
 his appearance before said justice, &c. on such day as
 shall be appointed by said justice, &c. for the return of
 said warrant, (not exceeding 5 days from the taking of
 such security,) which security the said justice, &c. is em-
 powered to take by way of recognizance or otherwise.

s. 9.
*Securities may
 be taken for
 appearance.*

And by s. 10. if upon such return no sufficient distress
 can be had, then the said justice, &c. shall commit such
 offender to the common gaol or house of correction of
 the county, &c. where the offence shall be committed, for
 3 calendar months, unless the money forfeited shall be
 sooner paid, or unless or until such offender shall give

s. 10.
*Offenders com-
 mitted for want
 of distress, un-
 less notice given
 of appeal, and
 security there-
 upon.*

notice

Justices at sessions to try appeal, &c.

s. 11.

Parishioners witnesses.

s. 12.

No certiorari, &c. to remove conviction.

s. 13.

Pleading, &c. in actions brought for any thing done under this act.

notice to the informer that he intends to appeal to the justices of peace at the next general quarter sessions, to be holden for said county, &c. and shall enter into recognizance before some justice, &c. with 2 sufficient sureties, conditioned to try such appeal, and to abide the order of and pay such costs as shall be awarded at such quarter sessions; which notice of appeal, being not less than 8 days before the trial thereof, such person so aggrieved is empowered to give; and the justices at such sessions, upon due proof of such notice being given, and of the entering into such recognizance, shall finally determine the matter of such appeal, in a summary way, and award such costs to the parties appealing or appealed against, as the said justices shall think proper; and the determination of such quarter sessions shall be final. By s. 11. no person shall be disabled from being a witness in any prosecution for any offence against this act, by reason of his being an inhabitant of the parish wherein such offence was committed. And it is provided (s. 12.) that no proceedings touching the conviction of any offender against this act, shall be quashed, &c. for want of form, or be removed by *certiorari*, or other writ or process, into any court of record at Westminster, or elsewhere. And by s. 13. if any action, &c. shall be commenced against any person for any thing done in pursuance of this act, such action, &c. shall be commenced within 3 calendar months after the fact committed; and be brought within the county where the fact was committed; and the defendant shall and may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance, &c. of this act; and if the same shall appear to have been so done, or if any such action, &c. shall be brought after the time limited for bringing the same, or be brought or laid in any other place than as afore-mentioned, then the jury shall find for the defendant; or if the plaintiff shall become nonsuit, or discontinue his action after the defendant shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff, the defendant shall recover treble costs,

costs, &c. This act as amended * by 53 Geo. 3. c. 19 & 114. is continued to 5 weeks after the commencement of the then next session of parliament by the 54 Geo. 3. c. 4. s. 2. which further provides, (s. 3.) that all persons who shall have originally issued or have been concerned in the original issuing or circulation of any such tokens, and their respective executors and administrators, shall be liable, upon demand made of the value denoted upon the tokens issued by such persons, to pay the same; and the amount of money or value denoted upon any such tokens, either by letters, &c. or otherwise, may be recovered by the bearer or holder thereof, in any action, &c. against the person who shall have originally issued, or been concerned in the original issuing or circulation of such tokens, in like manner as the amount of any promissory note, payable to bearer and issuable by law, may now be recovered. Provided (s. 4.) that nothing in this act shall authorize the issuing of any promissory note, not being a token composed of gold or silver, which cannot now be issued by law. This act (s. 5.) also contains an exception of the tokens issued, &c. by the bank of England or Ireland. And provides (s. 6.) that the penalties imposed by this act shall be recoverable, as if the clauses of the 52 Geo. 3. c. 157. were made part of this act. But the 57 Geo. 3. c. 113. E. & W. recites, that the governor and company of the bank of England did cause to be coined, or stamped and circulated, a large quantity of silver dollars; and did also issue and circulate, a quantity of silver pieces called tokens, for the sums of three shillings, and one shilling and six-pence; and that in consequence of the recent circulation of the new current silver coin, it becomes unnecessary to continue the said dollars and tokens in circulation, &c.; and therefore enacts, that after the 25th March, 1818, the said dollars or tokens shall no longer pass or circulate, or be received in payment or exchange, or otherwise; and that in case any person shall, after the said 25th March, 1818, utter, offer, or tender in payment, or give in exchange, or pass, circulate, or put off any such dollar or tokens, whether

54 Geo. 3. c. 4.
s. 2. & 3. G. B.
The 52 Geo. 3.
c. 157. continued.

*Proviso as to
recovering value
of tokens from
persons who
issued them.*

s. 4.
*Proviso as to
promissory
notes.*

s. 5.
*Exception of
bank tokens.*

s. 6.
*Penalties how
recovered.*

57 Geo. 3. c. 113.
E. & W.

*Circulation of
bank dollars
and tokens to
cease after
March 25,
1818.*

* The penalty for passing or circulating such tokens which was not to exceed £20. by the 52 Geo. 3. c. 157. s. 2. is limited so as not to exceed £10. by the 53 Geo. 3. c. 114. and 54 Geo. 3. c. 4.

*Penalty for
afterwards
circulating
them.*

*May be sold as
old silver.*

*s. 2.
Jurisdiction of
justices in re-
spect to such
offences.*

*s. 3.
Witnesses not
attending for-
feit £20.*

ther the value thereof shall be paid or given in money or goods, or in any other manner, every person so offending, and being thereof convicted upon the oath of one credible witness, before one of his majesty's justices of the peace acting for the county, &c. within which such offence shall be committed, shall, for every such dollar or token so uttered, &c. forfeit any sum not exceeding £5. nor less than 40s. at the discretion of the justice or justices of the peace who shall hear, &c. such offence; provided that nothing in this act shall prevent any person from presenting any such dollars or tokens for payment to the bank of England, at any time before the 25th March, 1820, or to any of their officers or servants, or to discharge or excuse the said governor and company from their liability to pay the same before the said 25th March, 1820: provided also that nothing herein shall prevent any person, after the 25th day of March next, from selling or disposing of such dollars or tokens as old silver, according to the weight thereof, at the current price of silver, and without regard to the nominal or current value at which the same shall have been circulated. And by s. 2. it shall be lawful for any justice of the peace, acting for the county, &c. within which any offence against this act shall be committed, to hear the same in a summary way; and such justice, upon any information exhibited, or complaint made upon oath in that behalf, shall summon the person accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary confession of the person accused, or by the oath of a credible witness, convict the offender, and adjudge the penalty. And by s. 3. if any person shall be summoned as a witness to give evidence before such justice, either on the part of the informer or prosecutor, or of the person accused, and shall neglect or refuse to appear at the time or place to be for that purpose appointed, without a reasonable excuse for such his neglect or refusal, to be allowed by such justice, such person shall forfeit for every such offence £20, to be levied and paid in such manner as directed for recovery of other penalties under this

this act. By s. 4. the conviction of any offender or witness as aforesaid shall be made out in the form following; s. 4.
Form of conviction.

“ Be it remembered, that on the day of
“ in the year of our Lord *A. B.* having appeared
“ before me [*or us*] one [*or more*] of his majesty's justices
“ of the peace [*as the case may be*] for the county, riding,
“ city, or place, [*as the case may be*] and due proof having
“ been made upon oath by one or more credible witness
“ or witnesses, or by confession of the party, [*as the case*
“ *may be,*] is convicted of [*specifying the offence*]. Given
“ under my hand and seal, [*or our hands and seals,*] the
“ day and year aforesaid”: which conviction the said justice,
&c. shall cause to be returned to the next general quarter *Conviction re-*
turned to quar-
ter sessions.

sessions of the peace of the county, &c. where such conviction was made, to be filed by the clerk of the peace, and kept amongst the records of such county, &c. Provided (s. 5.) that the clerk of the peace for any county, &c. s. 5.
Clerk of the
peace to give
copies.

shall, upon application made to him by any person for that purpose, cause a copy of any conviction filed by him under the directions of this act, to be forthwith delivered to such person, upon payment of 1s. for every such copy. By s. 6. the pecuniary penalties made payable upon any conviction against this act, shall be forthwith paid by the person convicted as follows; one moiety to the informer, the other to the poor of the parish or place where the offence shall be committed; and in case such person shall refuse or neglect to pay the same, or to give sufficient security to the satisfaction of such justice, &c. to prosecute an appeal, such justice shall by warrant, &c. cause the same to be levied by distress, &c. together with all costs and charges attending such distress, &c. which warrant shall be in the following manner: To the constable, headborough, or tythingman of s. 6.
Penalties how
levied, &c.

“ Whereas *A. B.* of in the county of *Form of war-*
rant of distress.
“ is this day convicted before me [*or us*] one [*or more*] of
“ his majesty's justices of the peace [*as the case may be*]
“ for the county of [*or for the* riding of the county
“ of York] or for the town, liberty, or district of
“ [*as the case may be*] upon the oath of
“ [*or*] a credible witness [*or witnesses*] [*or by*
“ confession of the party *as the case may be*] for that the
“ said

“ said *A. B.* hath [*here set forth the offence*] contrary to
 “ the statute in that case made and provided, by reason
 “ whereof the said *A. B.* hath forfeited the sum of
 “ to be distributed as herein is mentioned,
 “ which he hath refused to pay; these are therefore in
 “ his majesty’s name to command you to levy the said sum
 “ of by distress of the goods and chattels of
 “ him the said *A. B.*; and if within the space of
 “ days next after such distress by you taken, the said
 “ sum, together with the reasonable charges of taking the
 “ same, shall not be paid, then that you do sell the said
 “ goods and chattels so by you distrained, and out of the
 “ money arising by such sale, that you do pay one half of
 “ the said sum of to of
 “ who informed me [*or us, as the case shall be*] of the
 “ said offence, and the other half of the said sum of
 “ to the overseer of the poor of the parish, township
 “ or place, where the offence was committed, to be employed
 “ for the benefit of such poor, returning the overplus, if
 “ any, upon demand, to the said *A. B.* the reasonable
 “ charges of taking, keeping, and selling the said distress,
 “ being first deducted; and if sufficient distress cannot be
 “ found of the goods and chattels of the said *A. B.*
 “ whereon to levy the said sum of that then
 “ you certify the same to me, [*or us as the case shall be*]
 “ together with this warrant. Given under my hand and
 “ seal, [*or hands and seals*] the day of
 “ in the year of our lord .” By s. 7. it

s. 7.
*Securities taken
 or appearance*

shall be lawful for such justice, &c. to order such offender
 to be detained in safe custody, until return may, conveni-
 ently, be made to such warrant, unless the person so con-
 victed shall give sufficient security, to the satisfaction of
 such justice, for his appearance before said justice, &c. on
 such day as shall be appointed by said justice for the day
 of the return of the said warrant, (such day not exceeding
 5 days from the taking of such security,) which security
 the said justice may take by way of recognizance or
 otherwise. And by s. 8. if upon such return no sufficient
 distress can be had, then the said justice shall commit
 such offender to the common gaol or house of correction
 of

s. 8.
*Offenders com-
 mitted for want
 of distress; un-*

of the county, &c. where the offence shall be committed, for 3 calendar months, unless the money forfeited shall be sooner paid, or unless or until such offender shall give notice to the informer, that he intends to appeal to the justices of the peace at the next general quarter sessions of the peace to be holden for the county, &c. wherein the offence shall be committed, and shall enter into recognizance before some justice, with 2 sufficient sureties, conditioned to try such appeal, and to abide the order of and pay such costs as shall be awarded by the justices at such quarter sessions; which notice of appeal being given not less than 8 days before the trial thereof, the said justices at such sessions, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear the matter of such appeal, in a summary way, and award such costs to the parties appealing or appealed against as said justices shall think proper; and the determination of such quarter sessions shall be final.

By s. 9. no person shall be disabled from being a witness in any prosecution for any offence against this act, by reason of his being an inhabitant of the parish, &c. wherein such offence was committed. And by s. 10, no proceeding touching the conviction of any offender against this act shall be quashed for want of form, or be removed by *certiorari*, or any other writ or process, into any court of record at Westminster, or elsewhere. By s. 11. any action, &c. against any person for any thing done in pursuance of this act, shall be commenced within 3 calendar months after the fact committed; and shall be brought within the county where such fact was committed; and the defendant may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act; and if the same shall appear to have been so done, or if any such action, &c. shall be brought after the time limited for bringing the same, or be brought or laid in any other place than as afore-mentioned, then the jury shall find for the defendant; or if the plaintiff shall become nonsuit, or discontinue his action after the defendant shall have appeared, or if upon demurrer judgment

*less notice of
appeal be given
and security
thereon.*

s. 9.

*Parishoners
witnesses.*

s. 10.

*No certiorari,
&c. to remove
convictions.*

s. 11.

*Pleading, &c.
in actions
brought for any
thing done under
this act.*

ment shall be given against the plaintiff, the defendant shall recover treble costs, &c.

No tokens of copper or mixed metal shall be made or issued after 27 June, 1817.

57 Geo. 3. c. 46.
U. K.

Penalty for making, &c. such tokens.

s. 2.

Penalty for circulating such tokens already issued, after the 1st January, 1818.

But original issuer liable to payment thereof

The 57 Geo. 3. c. 46. U. K. provides, that after the passing of this act (27th June, 1817.) no piece of copper, or mixed metal composed in part of copper, of whatever value the same may be, shall be made or manufactured or originally issued as a token for money, or as purporting that the bearer or holder thereof is entitled to demand any value thereon, either by letters, words, figures, marks, or otherwise, whether such value is to be paid or given in money or goods, or in any manner whatsoever; and every person who shall make or manufacture or originally issue, or cause or procure to be made, &c. or permit or suffer to be so issued, on his behalf, as for nominal value in money or goods, any such token, shall, for every token so made, &c. forfeit any sum not less than £1. nor more than £5. at the discretion of the justice or justices of the peace who shall hear and determine such offence. And by s. 2. after the 1st of January, 1818, no piece of copper, or of any mixed metal composed partly of copper, of whatever value the same may be, shall pass or circulate as a token for money, or as purporting that the bearer or holder thereof is entitled to demand any value denoted thereon, either by letters, words, figures, marks, or otherwise, whether such value is to be paid or given in money or goods, or other value, or in any manner whatsoever; and every person who shall, after said 1st day of January, 1818, circulate or pass as for any nominal value in money or goods any such token, shall, for every such token so circulated, &c. whether such person shall be or have been concerned in the original issuing or circulating of any such token, or only the bearer or holder thereof for the time being, forfeit any sum not less than 2s. nor more than 10s. at the discretion of the justice, &c. who shall hear, &c. such offence; provided that nothing in this act shall prevent any person from presenting any such token for payment to the original issuer thereof, or to discharge or excuse any original issuer from his liability to pay the same: provided that nothing in this act shall be construed as affecting any tokens which have been or may be issued by

by the bank of England. This act (s. 3.) recites, that certain tokens made of copper, or of a mixed metal composed partly of copper, bearing the superscription of "Sheffield Penny Token," were issued during the years 1812, 1813, 1814 and 1815, by the overseers of the poor of the township of Sheffield, in the county of York; and authorizes their circulation till the 25th day of March, 1823, after which day the provisions of this act shall prevent such tokens from being passed and circulated. And by s. 4. provides, that in case any such tokens shall, after the 25th day of March, 1823, and previous to the 25th day of September, 1823, be presented to the overseers of the poor of said township, or their agent, at the work-house of said township, the overseers shall pay to the holders thereof one penny of the current coin of the realm; and in case such overseers, or their agent, shall neglect or refuse to receive any such token, and to pay one penny for the same as aforesaid, it shall be lawful for one justice of peace, upon complaint upon oath, to summon such overseers, or their agent, and to order the payment of one penny for every such token, together with all costs and charges attending such complaint; such costs, &c. not to be paid out of any money received for relief of the poor. Provided (s. 5.) that the overseers of the poor of said township may call in said tokens previous to said 25th March, 1823, paying one penny for every such token as aforesaid. And this act (s. 6. to 8.) provides in like manner with respect to the penny tokens issued by the overseers of the poor of the parish of Birmingham, in the county of Warwick, save that the circulation of these latter penny tokens is restrained and prohibited after the 25th March, 1820, and the time of presenting them for payment limited to the 25th of September, 1820. By s. 9. it shall be lawful for any justice or justices of the peace acting for the county, riding, city or place, within which any offence against this act shall be committed, to hear and determine the same in a summary way; and such justice, &c. upon any information exhibited, or complaint made upon oath in that behalf, shall summon the party accused, and also the witnesses on either side, and shall examine into the matter

s. 3.

Sheffield penny tokens issued for the relief of the poor, may circulate till 25th March, 1823.

s. 4.

Overseers of the poor to pay 1d. in current coin for every such token, if presented before 25th Sept. 1823.

s. 5.

Such tokens may be called in before the 25th March, 1823.

s. 6 to 8.

Birmingham penny tokens may circulate till 25th March, 1820, &c.

s. 9.

Summary jurisdiction for trial of such offences.

s. 10.
Penalty on witnesses not attending.

s. 11.
Form of conviction.

Convictions returned to quarter sessions.

s. 12.
Clerk of the peace to give copies.

s. 13.
Penalties how levied, &c.

matter of fact; and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more credible witness or witnessess, or otherwise, shall convict the offender and adjudge the penalty. And by s. 10. if any person shall be summoned as a witness to give evidence, either on the part of the prosecutor or person accused, and shall neglect or refuse to appear at the time or place to be for that purpose appointed, without a reasonable excuse to be allowed by such justice, &c. such person shall forfeit £50. to be levied in such manner as directed for recovery of other penalties under this act. By s. 11. the following form of conviction is prescribed: "Be it remembered, that on the day of "in the year of our Lord A. B. having appeared "before me [or us] one [or more] of his majesty's justices "of the peace [as the case may be] for the county, riding, "city, or place, [as the case may be] and due proof having "been made upon oath by one or more credible witness "or witnesses, or by confession of the party, [as the case "may be] is convicted of [specifying the offence] in the "sum of . Given under my hand and seal, [or our hands and seals] the day and year aforesaid;" which conviction the said justice, &c. shall cause to be returned to the then next general quarter sessions of the peace of the county, &c. where such conviction was made, to be filed by the clerk of the peace, and kept among the records of such county, &c. Provided (s. 12.) that every such clerk of the peace shall, upon application made to him by any person for that purpose, cause a copy of any conviction filed by him under the direction of this act, to be forthwith delivered to such person, upon payment of 1s. for every such copy. By s. 13. the pecuniary penalties hereby incurred, shall be forthwith paid by the person convicted, one moiety to the informer, and the other to the poor of the parish or place where the offence shall be committed; and in case such person shall refuse or neglect to pay the same, or to give sufficient security to the satisfaction of such justice, &c. to prosecute an appeal, such justice, &c. shall, by warrant, &c. cause the same to be levied by distress, &c. together with the costs and charges of such distress, &c. rendering the overplus, &c.; which warrant shall

shall be in the following form; “To the constable, head-^{Form of war-}
 “borough or tythingman of Whereas *A. B.* of^{rant.}
 “ in the county of is this day convicted
 “ before me [*or us*] one [*or more*] of his majesty's justices
 “ of the peace, [*as the case may be*] for the county of [*or*
 “ for the riding of the county of York, *or* for the
 “ town, liberty, or district of *as the case may be*] upon
 “ the oath of *or* a credible witness *or* witnesses
 “ [*or by confession of the party as the case may be*] for
 “ that the said *A. B.* hath, [*here set forth the offence*] con-
 “ trary to the statute in that case made and provided, by
 “ reason whereof the said *A. B.* hath forfeited the sum of
 “ to be distributed as herein is mentioned, which
 “ he hath refused to pay; These are therefore in his ma-
 “ jesty's name to command you to levy the said sum of
 “ by distress of the goods and chattels of him the
 “ said *A. B.*; and if, within the space of days next
 “ after such distress by you taken, the said sum, together
 “ with reasonable charges of taking the same, shall not be
 “ paid, then that you do sell the said goods and chattels
 “ so by you distrained, and out of the money arising from
 “ such sale, that you do pay one half of the said sum of
 “ to of who informed me [*or*
 “ us *as the case shall be*] of the said offence, and the other
 “ half of the said sum of to the overseer of the poor
 “ of the parish, [*township or place*] where the offence
 “ was committed, to be employed for the benefit of such
 “ poor, returning the overplus, (if any) to the said *A. B.*
 “ the reasonable charges of taking, keeping, and selling
 “ the said distress being first deducted; and if sufficient
 “ distress cannot be found of the goods and chattels of
 “ the said *A. B.* whereon to levy the said sum of that
 “ then you certify the same to me, [*or us as the case shall*
 “ *be*] together with this warrant. Given under my hand
 “ and seal, [*or our hands and seals*] the day of
 “ in the year of our Lord .” And by s. 14. s. 14.
 it shall be lawful for such justice, &c. to order such
 offender to be detained in safe custody until return may
 conveniently be had and made to such warrant of dis-<sup>Security may
be taken for
appearance of
party.</sup>
 tress, unless the party so convicted shall give security to
 the satisfaction of such justice, &c. for his appearance
 before

s. 15.
Offender com-
mitted to gaol.
&c. unless notice
given of appeal,
and security
thereon.

s. 16.
Parishioners
competent wit-
nesses.

Proceedings not
removed by cer-
tiorari, &c.
s. 17.

Pleading, &c.
in action
brought for any
thing done un-
der this act.

before said justice, &c. on such day as shall be appointed by said justice, &c. for the return of said warrant of distress (such day not exceeding 5 days from the taking of such security,) which security the said justice, &c. is hereby empowered to take by way of recognizance or otherwise. And by s. 15. if upon such return no sufficient distress can be had, then the said justice, &c. shall commit such offender to the common gaol or house of correction of the county, &c. where the offence shall be committed, for one calendar month, unless the money forfeited shall be sooner paid, or unless or until such offender shall give notice to the informer that he intends to appeal to the justices of the peace at the next general quarter sessions to be holden for the county, &c. wherein the offence shall be committed, and shall enter into recognizance before some justice, &c. with 2 sufficient sureties, conditioned to try such appeal, and to abide the order of and pay such costs as shall be awarded by the justices at such quarter sessions; which notice of appeal, being not less than 8 days before such quarter sessions, such person is hereby empowered to give; and the said justices at such sessions, upon due proof of such notice being so given, and of the entering into such recognizance, shall finally determine the matter of such appeal in a summary way, and award such costs to the parties appealing or appealed against, as the said justices shall think proper. By s. 16. no person shall be disabled from being a witness in any prosecution under this act, by reason of his being an inhabitant of the parish wherein such offence was committed; and no proceeding touching the conviction of any offender against this act shall be quashed for want of form, or be removed by *certiorari* or other writ, &c. into any court of record at Westminster, or elsewhere. By s. 17. any action, &c. for any thing done in pursuance of this act, shall be commenced within 3 calendar months after the fact was committed, and be brought within the county where such fact was committed; and the defendant may plead the general issue, and give this act and the special matter in evidence, &c. and that the same was done in pursuance, &c. of this act; and if the

the same shall appear to have been so done, or if any such action, &c. shall be brought after the time so limited, or in any other place than as afore-mentioned, then the jury shall find for the defendant; or if the plaintiff shall become nonsuit, or discontinue his action after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, the defendant shall recover treble costs, &c. Provided (s. 18.) that nothing in this act shall extend to any copper monies of the realm now current, or to be current, by virtue of any proclamation that shall have been or may be issued by his majesty.

s. 18.

*Proviso as to
copper monies
current, &c.*

P. 501. l. 15. The 53 Geo. 3. 106. I. recites, that the governor and company of the bank of Ireland have issued, or are preparing to issue in Ireland, a quantity of silver pieces denominated "Tokens," of the common standard of Spanish pillar dollars for thirty pence Irish currency each, containing, on the obverse side thereof, an impression of his majesty's head, and the following words and figures, "*Georgius III. Dei Gratia Rex, 1812.*" and on the reverse side thereof, the words or figures "Bank Token XXX Pence Irish," and also tokens for ten pence Irish currency each, and also, tokens for five pence Irish currency each, the said last mentioned tokens containing, on the obverse side thereof, his majesty's head, and the words and figures following, *viz.* "*Georgius III. Dei Gratia Rex,*" and on the reverse side thereof respectively, within a wreath of shamrock leaves, the words and figures, "Bank Token 10 Pence Irish, 1813." or "Bank Token 5 Pence Irish, 1813." and enacts, that if any person shall make, coin or counterfeit, or cause or procure to be made, &c. or willingly aid or assist in the making, &c. any piece of metal resembling or made with intent to resemble or look like the said tokens for 30 pence, 10 pence or 5 pence Irish currency respectively, or to pass as such, or to resemble or look like any of the said tokens, or to pass as such; or if any person shall bring into Ireland, or into any part of the united kingdom, any such false or counterfeit tokens, knowing the same to be false, &c. to the intent to utter the same within the

*Persons counter-
feiting, &c.
silver tokens of
the bank of
Ireland punish-
able as for like
offences under
45 Geo. 3. c. 42.
in respect to the
tokens therein
mentioned.*

*53 Geo. 3. c. 106.
I.*

s. 2.
Provisions of
45 Geo. 3. c. 42.
extended to, this
act.

s. 3.
Tokens issued
by bank, taken
in payment
of revenues.

The 18 Car. 2.
c. 5. regulating
price of silver
brought to the
mint, repealed.
56 Geo. 3 c. 68.
U. K.

the said united kingdom, or within any dominions of the same, or if any person shall utter or tender in payment, or give in exchange, or pay or put off to any person such false token, knowing the same to be false, &c. every such person shall be liable to the like pains of felony, and other pains, &c. and shall be punished and proceeded against in like manner as is mentioned in the 45 Geo. 3. c. 42. as to persons convicted of the like offence respectively under the 45 Geo. 3. c. 42. in regard to the tokens therein mentioned. And by s. 2. all the powers, provisions, &c.

in the 45 Geo. 3. c. 42. contained or referred to, with respect to the making, coining, counterfeiting, bringing in, uttering, tendering, giving in exchange, paying, putting off or possessing any counterfeit token as in the 45 Geo. 3. c. 42. is mentioned, shall be applied in the apprehending, proceeding against, and punishing of offenders under this act, and in the recovery of penalties and forfeitures for offences against this act, and in the carrying this act into execution, and in relation to the said tokens for 30 pence, 10 pence, and 5 pence, respectively. And this act provides, (s. 3.) that all sums of money which now are or shall become payable in Ireland for any part of the public revenue, there shall be accepted by the collectors, receivers, and other officers of the revenue in Ireland, in the said silver bank tokens for 30 pence, 10 pence, or 5 pence respectively, which shall be issued during the continuance of the restriction on payments in cash by the governor and company of the bank of Ireland, if offered to be so paid; and the said governor and company may, whenever the said restriction shall be removed, charge to the account of the teller of the exchequer all such of the said tokens, issued during the continuance of said restriction, as may be received by the said governor and company in payment or otherwise, before or after the removal of such restriction.

P. 507. l. 12. To provide for a new silver coinage, and to regulate the currency of the gold and silver coin of this realm, the 56 Geo. 3. c. 68. U. K. enacts, that so much of the 18 Car. 2. c. 5. Eng. and of every other act, as provides "that whatsoever person, native or "foreigner, alien or stranger, should bring any foreign "coin

“ coin, plate or bullion of silver, in mass, molten or
 “ alloyed, or any sort of manufacture of silver, into his
 “ majesty's mints within England, to be there melted
 “ down and coined into the current coins of this king-
 “ dom, should have the same assayed, melted down and
 “ coined, with all convenient speed, without any defal-
 “ cation, diminution, or charge, for the assaying,
 “ coinage, or waste in coinage, so that for every pound
 “ troy of sterling or standard silver that should be
 “ brought in and delivered by him to be assayed, &c.
 “ there should be delivered out to him a pound troy of
 “ the current coin of this kingdom, of sterling or standard
 “ silver, and so proportionably for a greater or lesser
 “ weight, or more or less in proportion to the excess or
 “ deficiency in fineness of any such bullion,” shall be re-
 pealed. And by s. 2. so much of the 7 & 8 W. 3. c. 1.

s. 2.

Eng. and of every other act as declares or enacts, “ that
 “ the weight and fineness prescribed by any indenture
 “ theretofore made with his majesty's master and worker
 “ for making of silver monies at the tower of London,
 “ shall be the standard for the lawful silver coin of this
 “ kingdom,” and also so much of the 14 Geo. 3. c. 42.
 Eng. as enacts, that, “ any silver coin of the realm less in
 “ weight than after the rate of 62 shillings for every
 “ pound troy, shall be forfeited,” and of any act for
 reviving, or continuing or making perpetual the pro-
 visions of the said last recited act, shall be repealed.

*The 7 & 8 W.3.
 c. 1. and 14
 Geo. 3. c. 42.
 respecting the
 standard for
 silver coin, in
 part also repeal-
 ed.*

And by s. 3. so much of the 38 Geo. 3. c. 59. Eng.
 (which revived and continued the 14 Geo. 3. c. 42. Eng.)
 as enacts, “ that no silver bullion shall be coined at the
 “ mint, and that no silver coin that may have been coined
 “ there shall be delivered,” is repealed. And by s. 4.

s. 3.

*The 38 Geo. 3.
 c. 59. suspend-
 ing silver coin-
 age, repealed.*

s. 4.

it shall be lawful for his majesty's master and worker of
 the mint, at his majesty's mint in London, to coin or
 cause to be coined any silver bullion, which at any time
 before or after the passing of this act, (22 June, 1816)
 shall have been or shall be brought to or delivered or
 deposited at the said mint, into silver coins of a standard
 and fineness of 11 ounces 2 penny weights of fine silver,
 and 18 penny weights of alloy in the pound troy, and in
 weight

*Pound troy of
 standard silver
 coined into 66
 shillings, or at
 that rate.*

weight after the rate of 66 shillings to every pound troy, whether the same be coined in crowns, half crowns, shillings or sixpences, or pieces of a lower denomination; any thing in any act of parliament in force in Great Britain or Ireland immediately before the passing of this act, or any thing in any indenture with his majesty's master or worker of the said mint for the time being, or any law, &c. to the contrary, notwithstanding. And by

s. 5.

Old silver coin of the realm exchanged for its full nominal value in new silver coin.

s. 5. from and after such days, and during such period of time as shall be named and appointed in and by any proclamation or proclamations, which shall be issued by or on behalf of his majesty with the advice of the privy council, it shall be lawful for any person to bring, &c. into the said mint any silver coin of this realm heretofore coined and current, which shall, by any officer of the mint to be appointed for that purpose by the master of said mint, be deemed to be such silver coin of the realm; and there shall be delivered out from said mint, to every person bringing in, &c. such old silver coin, a sum in new silver coins, of crowns, half crowns, shillings and sixpences, to be coined pursuant to this act, equal to the amount of the silver coins so brought in, &c. according to the respective denominations of such silver coins; so that every such person shall receive a sum of money equal in its denomination in the new silver coinage to the sum for which the old silver coin brought in shall have passed, according to the denomination thereof; and all such old silver coin so to be received at said mint shall be melted down and coined into new silver coins of this realm, according to the directions of this act, respecting money to be coined from any silver bullion brought into or deposited at the said mint in manner aforesaid. Pro-

s. 6.

Treasury may appoint persons to exchange old silver coin for new, at any places throughout the kingdom.

vided (s. 6.) that during the period mentioned in any such proclamation, it shall be lawful for the lord high treasurer or commissioners of his majesty's treasury, to appoint any number of persons, at any place or places throughout the united kingdom, for the purpose of receiving all such old current silver coin of the kingdom, as shall appear to any person appointed by the master of the mint to inspect the same, to be such old current silver coin, and

and for exchanging the same for new silver coin, according to their respective denominations in manner aforesaid; and such persons shall give such security, and render such account, and be subject to all such rules and directions, as the lord high treasurer or commissioners of the treasury shall in that behalf order; and all such old current silver coin, so received by any such person so to be appointed, shall be transmitted in such manner, and at such times, as the lord high treasurer, &c. shall direct, to said mint in London, there to be melted down and coined as aforesaid.

And by s. 7. after the expiration of the period to be mentioned in any such proclamation, all persons are authorized and required to cut, break or deface, or cause to be cut, &c. any piece of old silver coin in this realm, current at any time before the passing of this act, which shall be tendered to them in payment, and which shall be of less value than the denomination thereof shall import, and the person tendering the same shall bear the loss; but if any piece so cut, &c. appear to be of the full value which its denomination shall import, the person who shall cut, &c. the same, shall take it at the rate it was coined for; and if any question shall arise whether the piece so cut be of less value than its denomination imports, such question shall be determined by the mayor, bailiff, or other chief officer, of any city or town corporate where such tender shall be made; and if such tender shall be made out of any city, &c. then by some justice of peace of the county inhabiting or being near the place where such tender shall be made; and the said mayor or other chief officer, and justice of peace, shall have power to summon any person to appear and give evidence before him, and to administer an oath to any person, for determining any questions relating to the value and lawful currency of any such piece of coin;

By s. 8. the lord high treasurer or commissioners of the treasury, or any 3 or more of them, are required to issue and apply, or cause to be issued, &c. from time to time, such sum of money, not exceeding £500,000, out of any aids or supplies granted for the year 1816, as shall appear to be the amount of any deficiency arising from the re-coinage of the silver coin, according to such accounts to be

s. 7.

After the period for the receiving old coin at the mint it may, if deficient in value, be cut by the person to whom it shall be tendered.

s. 8.

Provision for the loss arising from the deficiency and re-coinage of the silver coin.

After a day to be appointed by proclamation, foreign silver coin, &c. may be brought to the mint, and exchanged.

s. 9.

be from time to time delivered to the said lord high treasurer, &c. by the master and worker of his majesty's mint, as the said lord high treasurer, &c. shall for that purpose direct; and likewise such sum as shall appear requisite to defray the charges and expenses in melting down such deficient money, and casting the same into ingots, and assaying the same; and also to advance such money as they shall see occasion, to the master and worker of his majesty's mint, for the expenses to be incurred in the coinage of silver coin under this act; and also to grant a reasonable reward to such persons as shall be appointed as aforesaid throughout the kingdom, for receiving old silver coin and exchanging the same for new silver coin, and to all other officers and persons employed about the several matters relating to this act, and to discharge all other incidental expenses, &c. By s. 9. from and after such day as shall be appointed by any proclamation issued for that purpose by or on behalf of his majesty, with the advice of his privy council, it shall be lawful for any person, native or foreigner, to bring any foreign or other coin, or reputed coin, plate or bullion of silver, in mass, molten or alloyed, or any sort of manufacture of silver, to the mint in London, to be there melted down and coined into current silver coins of this kingdom; and such silver coin, &c. so brought shall be assayed at said mint, and melted down and coined, with all convenient speed, into silver coins of a standard in fineness of 11 ounces 2 penny weights of fine silver, and 18 penny weights of alloy in the pound troy, and in weight after the rate of 66 shillings to every pound troy, whether the same be coined in crowns, half crowns, shillings or sixpences, or pieces of a lower denomination; and as soon as conveniently may be after any such silver coin, &c. so brought to the mint shall be melted and assayed, there shall be delivered to the person bringing the same, a sum in silver coins, of crowns, half crowns, shillings or sixpences, after the rate of 62 shillings of the standard fineness and weight herein-before mentioned, for every pound troy of such standard silver so delivered, and so proportionably for any greater or lesser weight; and for the defalcation

defalcation or diminution, and for the charge of assaying, coinage and waste, there shall be retained at said mint at the rate of 4s. of the standard and weight aforesaid,

Deduction of 4s. per pound troy for assaying, &c.

for every pound troy of such standard silver. By s. 10.

s. 10:

an account shall be kept at the mint of the amount of all sums of money arising from the allowance of 4s. for every pound troy of silver retained at said mint; and all sums so retained shall in the first place be applied to the expenses of coining such silver; and the surplus (if any) shall be made part of the consolidated fund.

Such deduction of 4s. after paying expenses carried to consolidated fund.

And this act (s. 11.) recites that great inconvenience had arisen by reason of the gold and silver coins of the realm being equally a legal tender for payments to any amount; and therefore enacts, that the gold coin of the realm shall be the only tender (except as herein-after pro-

s. 11.

Gold coin of the weight and fineness of the mint indenture, the only legal tender.

vided) within the united kingdom; and that the said gold coin shall hold such weight and fineness as are prescribed by the present indenture with his majesty's master and worker of the mint, and with such allowance, called the remedy, as is thereby given to said master; which weight and fineness shall remain the standard for the lawful gold coin of the realm, so far as relates to gold coins of the denominations at present in use, and specified in said indenture; and in case any gold coin of any other denomination shall hereafter be coined at said mint under any future indenture, such gold coin shall hold the like standard in fineness as the gold coins of the present denominations, and their weight shall be proportionate to the weight of the present gold coins, according to the value for which such gold coins of any new denomination shall be declared to be current. And by s. 12. after such

s. 12.

day as shall be named in any proclamation to be issued for the purpose, by or on behalf of his majesty, with the advice of the privy council, so much of the 14 Geo. 3. c. 42. Eng. as enacts or provides (or may be so construed, &c.) that any tender in silver coin of the realm shall be legal to the amount of £25. or a tender for any greater sum, according to its value by weight, or of any act continuing, reviving, or making perpetual the 14 Geo. 3. c. 42. shall be repealed; and after such day

After a day to be named by proclamation, no tender of silver coins legal beyond 40s. and the 14 Geo. 3. c. 42. repealed.

so to be named, no tender of payment of money made in the silver coin of this realm, of any sum exceeding 40s. at any one time, shall be reputed a tender in law, or allowed to be a legal tender within the united kingdom, either by tale or weight of such silver coin, or otherwise.

s. 13. *Persons uttering or receiving current gold coin for more or less than its declared value, or denomination, how punished.* And by s. 13. after the passing of this act, no person shall by any means, device, shift or contrivance, receive or pay for any gold coin lawfully current within the united kingdom, any more or less in value, benefit, profit or advantage, than the true lawful value which such gold coin doth or shall by its denomination import; nor shall utter or receive any piece of gold coin of this realm, at any greater or higher rate or value, nor at any less or lower rate, &c. than the same shall be current for in payment, according to the rates, &c. set upon them pursuant to law; and every person who shall offend herein shall be deemed guilty of a misdemeanor, and be imprisoned for 6 calendar months, and shall find sureties for his good behaviour for one year more, to be computed from the end of the said 6 months; and such person, if afterwards convicted of the like offence, shall for such second offence suffer one year's imprisonment, and find sureties for his good behaviour for one year more, to be computed from the end of the said last mentioned year; and if such person shall be convicted of any subsequent offence against this act, he shall be imprisoned for 2 years for every such subsequent offence. And by s. 14. if any person who shall be convicted of receiving or paying any such gold coin contrary to this act, shall afterwards be guilty of the like offence, the clerk of the assize or clerk of the peace for the county, &c. where such conviction was so had, shall, at the request of the prosecutor or other person on his majesty's behalf, certify such conviction, (for which certificate 2s. 6d. shall be paid,) and such certificate, being produced in court, shall be sufficient proof of such former conviction. By s. 15. no person against whom any bill of indictment shall be found, at any assizes or sessions of the peace, for any offence against this act, shall be entitled to traverse the same to any subsequent assizes, &c.; but the court

ception of pregnant women, in pursuance of the 13 Geo 3. *women, do not gain a settlement.*
 c. 82. Eng. And provided (s. 3.) that whensoever any person shall be born of any poor person, in any house of industry, or house for the reception and care of the poor of any district, &c. which shall be locally situated in any district, &c. contributing to the expenses of maintaining the poor in such house, or in any other district, &c. not contributing to such expense, such person shall, so far as regards the settlement of such person, be deemed to be born in the district, &c. by whom the mother of such person was sent to, and on whose account the mother was received and maintained in such house. *s. 3. Persons born in houses of industry deemed to be born in the district by which the mothers were sent.*
 And by s. 4. no person shall be deemed to gain any settlement by reason of any residence within any district, &c. while he shall be detained a prisoner within such district, &c. on any civil process, or for any contempt. *s. 4. No settlement gained by imprisonment under civil process, &c.*
 And by s. 5. no gate-keeper or toll-keeper of any turnpike road or navigation, or person renting the tolls, and residing in any toll-house of any turnpike road, &c., shall thereby gain a settlement in any district, &c. *s. 5. Nor by being gate-keeper, &c. on turn-pike road, or navigation.*
 And by s. 6. no person shall gain a settlement in any district, &c. by reason of any residence in any house or other dwelling place provided for the residence of such person by any charitable institution, while such person shall be maintained at the expense of such institution, as an object of such charity. *s. 6. Nor by residence in any house, &c. provided by any charitable institution for such person.*
 It is also a provision of this act, (s. 7.) that it shall not be lawful for the master, governor, or other person entrusted with the superintendence of any house for the reception of poor persons, or the church-warden, overseer, or other persons elected, &c. under any act of parliament for the management of the poor of any district, &c. to punish with corporal punishment, any adult person under his care for any offence; or to confine any such person, for any offence or misbehaviour, for any longer time than 24 hours, or such further time as may be necessary to have such person before a justice of peace. *s. 7. Governors, &c. of poor houses restrained as to punishing, corporally, adult persons, or imprisoning them for more than 24 hours.*
 And this statute enacts (s. 9.) that no inhabitant or person rated or liable to be rated to any rates or cesses of any district, &c. or wholly or in part supported thereby, or executing or holding any office therein, shall, before any court or person, be deemed to be, by *s. 9. Inhabitants or persons rated, &c. made competent witnesses in certain cases.*
 reason

reason thereof, an incompetent witness for or against such district, &c. in any matter relating to such rates, &c.; or to the boundary between such district, &c. and any adjoining district, &c.; or to any order of removal to or from such district, &c.; or the settlement of any pauper in such district, &c.; or touching any bastards chargeable, or likely to become chargeable to such district, &c.; or the recovery of any sum for the charges or maintenance of such bastards; or the election or appointment of any officer, or the allowance of the accounts of any officer of any such district, &c. This act contains also other provisions in respect of suing on securities to indemnify against bastards; the removal of paupers and discharging them from the payment of parish rates; and as to distraining for poors' rate, &c. in other districts, &c. than that in which the rate or cess had been made or was due.

*Coadjutors of
bishops may ex-
ercise all powers
&c. of bishops.*

*52 Geo. 3. c 62.
I.*

VOL. I. P. 318. l. 38. The 52 Geo. 3. c. 62. I. recites, that in cases of the illness or other disability of archbishops and bishops in Ireland, it has been and may be necessary that coadjutors should be appointed; and that several authorities, &c. are by several acts of parliament in Ireland, and otherwise, vested in the several archbishops, &c. and by the charter of the college of Dublin, the archbishop of Dublin for the time being is appointed one of the visitors of said college; and for preventing all doubts that may arise whether all or any of these authorities, &c. may be executed by said coadjutors, this statute declares and enacts, that every person appointed, or who shall be appointed coadjutor to any archbishop or bishop in Ireland, may exercise at all times, according to the commission of such coadjutor, as of right belonging to such archbishop, &c. the same office, authority, jurisdiction and execution of laws and statutes, and all other customs and privileges, and shall and may do all things which such archbishop, &c. might have, use or execute, do or perform, as belonging to his office or dignity, or is empowered or required to do, by virtue of any act of parliament, or by the charter and statutes of said college, or otherwise, as if such coadjutors were archbishops, &c. Provided (s. 2.) that nothing in this act shall authorize any such coadjutor to collate or
present

making, selling, delivering, receiving, having in possession and concealing any cordage wrought either with a white thread laid the contrary way, or with a twine laid to the contrary way, mentioned and contained in the 9 & 10 W. 3. c. 41. Eng. and 39 & 40 Geo. 3. c. 89. Eng. or in any other act of parliament, shall extend to the making, selling, delivering, receiving, having in possession and concealing any cordage wrought with one or more worsted threads: Provided that nothing herein shall repeal any of the statutes now in force, nor any of the clauses therein, in respect to cordage wrought either with a white thread laid the contrary way, or with a twine laid to the contrary way, but that the same marks may be continued to be used to denote his majesty's property in such cordage, in the same manner as if this act had not been passed.

P. 521. l. 30. The 37 Geo. 3. c. 70. Eng. and 37 Geo. 3. c. 40. Ir. (respecting the seducing the king's soldiers or seamen from their allegiance) which were continued to the 1 August 1815, by the 54 Geo. 3. c. 158. are revived and made perpetual by the 57 Geo. 3. c. 7. U. K. *Acts respecting the seducing king's soldiers or seamen perpetuated. 57 Geo. 3. c. 7. U. K.*

P. 522. l. 6. The 52 Geo. 3. c. 156. U. K. provides, that every person who shall knowingly and wilfully aid or assist any alien enemy of his majesty, being a prisoner of war in his majesty's dominions, whether such prisoner shall be confined as a prisoner of war in any prison or other place of confinement, or shall be suffered to be at large in any part of his majesty's dominions, on his parole, to escape from such prison, &c. or from his majesty's dominions, if at large upon his parole, shall be guilty of felony, and be liable to be transported as a felon for life, or for such term of 14 or 7 years, as the court before whom he shall be convicted shall adjudge. And by s. 2. every person who shall knowingly and wilfully aid or assist any prisoner, at large on parole, in quitting any part of his majesty's dominions where he may be on his parole, although he shall not aid or assist such person in quitting the coast of any part of his majesty's dominions, shall be deemed guilty of aiding the escape of such person under the provisions of this act. And by s. 3. if any person *Aiding prisoners of war to escape, a felony punishable with transportation. 52 Geo. 3. c. 156. U. K. s. 2. Though such aid be not in quitting the coast, &c. s. 3.*

Assisting prisoner on the high seas to escape, in like manner punishable; and triable in any county.

s. 4.

Proviso as to other modes of prosecution.

56 Geo. 3. c. 22. U. K.

The king authorized to detain N. Buonaparte in custody:

s. 2.

And appoint persons to have the custody of him.

Place of detention may be changed.

person owing allegiance to his majesty, after any such prisoner hath quitted the coast of any part of his majesty's dominions in such his escape, shall knowingly and wilfully, upon the high seas, aid or assist such prisoner in his escape to or towards any other dominions or place, such person shall be also adjudged guilty of felony, and be liable to be transported as aforesaid; and such offences committed upon the high seas, and not within the body of any county, shall and may be enquired of, &c. in any county within the realm, in like manner as if such offences had been committed within such county. Provided (s. 4.) that this act shall not prevent any person committing any offence mentioned in this act, from being prosecuted in such manner as he might by law be prosecuted if this act had not been passed; but no person prosecuted otherwise than under this act, shall be liable to be prosecuted for the same offence under the provisions hereof; and no person prosecuted under this act shall be liable to be otherwise prosecuted for the same offence. And the following statute may be referred to this head, and stated in this place, though of a temporary and personal nature.

By the 56 Geo. 3. c. 22. U. K. it shall be lawful for his majesty, his heirs and successors, to detain and keep Napoleon Buonaparte in the custody of such person or persons, in such place within his majesty's dominions, and under such restrictions, during the pleasure of his majesty, &c. as to his majesty, &c. shall from time to time seem fit. And by s. 2. the said N. Buonaparte being in such custody, shall be deemed to be and be treated and dealt with as a prisoner of war, except only in so far as by his majesty, &c. shall be otherwise directed; and it shall be lawful for his majesty, &c. by warrant under the hand and seal of one of his principal secretaries of state, to nominate and appoint such person or persons, being his majesty's subject or subjects, as to his majesty, &c. shall seem fit, to have the custody of the said N. Buonaparte; and from time to time, by like warrant, to change the place in which the said N. Buonaparte shall be detained; and by like warrant to authorize any person

person or persons to remove the said N. Buonaparte from the place in which he now is, or shall at any time hereafter be so detained, and to convey him to such other place as shall be so appointed as aforesaid; and such person and persons may call to his or their aid any persons, being subjects of or owing allegiance to his majesty, for the detaining or removing the said N. Buonaparte as aforesaid, as occasion may require: and all such persons so appointed, and those called to their aid, shall have power to use all ways and means for the detaining and keeping the said N. Buonaparte, and for the prevention of his rescue or escape, and for the retaking him in case he shall be rescued or escape from such custody, as might be lawfully used for the detaining, &c. any prisoner of war. And by s. 3. if any person being a subject of or owing allegiance to his majesty, &c. shall rescue or attempt to rescue the said N. Buonaparte, or shall knowingly and wilfully aid and assist in his escape, or in any attempt to escape from such custody, or from any limits or bounds wherein he now is or hereafter may be detained, or in which he shall be suffered to go at large, within the limits of any island or country, territory or place, or of any district or bounds within the same, upon parole or without parole, every such offender shall be guilty of felony without benefit of clergy. And by s. 4. if any person being subject of or owing allegiance to his majesty, &c. shall knowingly and wilfully aid, assist, or further the said N. Buonaparte in quitting any part of any island, &c. without the limits, &c. of any district of such island, &c. within which he may have been confined, or suffered to go at large, on parole or without parole, after he shall have been rescued, or have escaped from any place of custody, or from the limits, &c. within which he shall have been [*permitted] to go at large upon parole or without parole, he shall be deemed guilty of aiding the escape of the said N. Buonaparte, under the provisions of this act. And by s. 5. if any person being a subject of or owing allegiance to his majesty, after the said N. Buonaparte shall have been rescued or have escaped, &c. from the island, &c. within which he shall have been detained,

All subjects, &c. to assist in detaining or so removing him, or retaking him in case of rescue, &c.

s. 3.

Rescuing or assisting him to escape, a capital felony.

s. 4.

Furthering his escape after he shall have been rescued, &c. also within this act.

* misprinted "committed."

s. 5.

So also if such assistance be on the high seas.

*Offences triable
in any county
in England.*

s. 6.

*Persons sent for
trial to Eng-
land.*

s. 7.

*Pleading in
actions, &c. for
any thing done
under this act.*

s. 8.

56 Geo. 3. c. 23.
U. K.

*What persons
only allowed to
have intercourse
with St Helena,
while Buona-
parte shall be
detained there.*

detained, or suffered to go at large, upon parole or without, or after he shall have quitted any other country, into which he may have escaped or come, shall knowingly and wilfully, upon the high seas, aid, assist, or further the said Napolcon Buonaparte in escaping or going to or towards any other dominions or place, he shall be adjudged guilty of felony without benefit of clergy. By s. 6. all offences against this act, whether committed within the dominions of his majesty or without, or upon the high seas, may be inquired of, &c. in any county within England, in like manner, and by a jury of such county, as if such offences had been committed within such county; and such offences may be laid, in the information or indictment, to have been committed in such county. And by s. 7. all persons who shall be apprehended charged with any offence against this act, may be detained in custody, and sent to England, to be tried for such offence. By s. 8. if any action, &c. shall be brought or prosecuted for any thing done against any person under this act, such person may plead the general issue, and shall have the advantage thereof as fully and in such manner as any justice of peace, constable, or other officer, questioned for matters acted by them as officers, or in the execution of their offices, may have the advantage of the matter of their justification upon the general issue, by any of the laws of this kingdom. The 56 Geo. 3. c. 23. U. K. further provides, that during such time as N. Buonaparte shall be detained, or ordered by his majesty, his heirs and successors, to be detained in the island of Saint Helena, it shall not be lawful for any of his majesty's subjects, or other person, (except in ships, &c. belonging to or employed by the united company of merchants trading to the East Indies, duly ordered to proceed to or to rendezvous at said island, by said company, or by the governor general of Fort William, the governor of Fort Saint George or Bombay, or by the said company's supercargoes in China,) to trade, go, sail or repair to said island of Saint Helena, without the license of his majesty, &c. signed by one of the principal secretaries of state, or without the license of the governor, or (in his absence) the deputy

deputy governor of said island, or of the commander of his majesty's naval or military forces stationed off or at the said island; and if any person (except as before excepted) without such license, or such permission or consent as aforesaid, shall trade, &c. or land upon said island of St. Helena, he shall be guilty of a high crime and misdemeanor, and shall and may be prosecuted for the same in the court of king's bench in England, upon information exhibited by the attorney general, or upon indictment found, in which information, &c. the offence may be laid to have been committed in the county of Middlesex, and such offender shall be liable to such imprisonment and fine, or either, as the court shall adjudge. And by s. 2. every such offender shall and may be seized and brought to England to be tried; and any one or more of his majesty's justices of peace shall commit every such person to the next county gaol, until sufficient security be given by natural-born subjects or denizens, to appear in the court of king's bench at Westminster, to answer any information or indictment exhibited or found, or to be exhibited, &c. and not to depart out of court or out of this kingdom, without leave of the said court. By s. 3. if any person who shall arrive at said island on board any ship, &c. belonging to or employed by the said united company, shall land on said island from on board the same, or shall land from any of his majesty's ships, &c. of war, (except the officers and seamen of such ship, &c. of war,) shall not, when required by the governor, or in his absence the deputy governor of said island, forthwith return to such ship, &c. it shall be lawful for said governor, or in his absence the deputy governor, to seize and detain every such person until he can be sent, and to send him on board the ship or vessel from which he so landed; and every person who shall have so landed from any such ship or vessel as last aforesaid, who shall, after the departure of such ship, &c. from said island, remain on said island without the license, permission, and consent of said governor, or in his absence the deputy governor, shall be guilty of a misdemeanor, and shall be dealt with, &c. in the same manner as persons who shall without license, &c.

Offenders against this act punishable by fine and imprisonment, or either.

s. 2.

Offenders sent to England and tried in court of king's bench.

s. 3.

Persons who land, &c. on said island from E. India company ships, or vessels of war, without license of governor, in like manner punishable.

s. 4 & 5.
*Vessels trading,
 &c. to St. Hele-
 na liable to
 forfeiture.*

s. 6 & 7.
*Persons who
 detained Bu-
 onaparte indem-
 nified.*

s. 8.
*Rights of E.
 India company
 saved.*

*Administering,
 &c. oaths, &c.
 binding person
 to commit trea-
 son, or any
 felony punish-
 able with death,
 a capital felony.*

52 Geo. 3. c. 104.
 G. B.

*Persons taking
 such oaths
 transported for
 life or years.*

s. 2.
*Compulsion no
 excuse, unless
 information on
 oath, within 14
 days, &c. of all
 the circumstan-
 ces, &c.*

as aforesaid, land from any other ship, &c. not belonging to or employed by said united company, or ordered by said company, or their servants as aforesaid, to proceed to or rendezvous at said island. This act (s. 4 & 5.) makes vessels having any communication with said island, (except vessels belonging to or chartered by the East India company, and duly licensed by them,) liable to seizure and forfeiture; unless driven there by stress of weather, peril of the sea, or other inevitable accident: and by s. 6. & 7. all persons who before the passing of this act, did any acts or used any means for the securely detaining N. Buonaparte, though not strictly justified by law, are hereby indemnified: and the rights of the E. India company over said island and the inhabitants thereof, and to trade therewith, are by (s. 8.) expressly saved.

P. 523. l. 34. The 37 Geo. 3. c. 123. Eng. is rendered more effectual by the 52 Geo. 3. c. 104. G. B. which enacts, that every person who shall in any manner or form administer, or cause to be administered, or be aiding or assisting at the administering of any oath or engagement purporting or intending to bind the person taking the same to commit any treason or murder, or any felony punishable by law with death, shall be guilty of felony, and suffer death without benefit of clergy: and every person who shall take such oath, &c. not being compelled thereto, shall be guilty of felony, and be transported for life, or for such term of years as the court before which he shall be tried shall adjudge. Provided (s. 2.) that compulsion shall not justify or excuse any person taking such oath, &c. unless he shall, within 14 days after the taking thereof, if not prevented by actual force or sickness, and then within 14 days after the hindrance produced by such force or sickness shall cease, declare the same, together with the whole of what he shall know touching the same, and the person by whom, and in whose presence, and when and where, such oath, &c. was administered or taken, by information on oath before one of his majesty's justices of peace, or one of the principal secretaries of state, or the privy council; or, in case the person taking such oath, &c. shall be in actual service in his majesty's forces by sea or land, then by

by such information on oath as aforesaid, or by information to his commanding officer. And provided (s. 3.) that every person who, before he shall be charged with any offence under the 37 Geo. 3. c. 123. or this act, in taking any oath, &c. described in said act or this act, shall, within 3 months after the passing of this act, (9th July, 1812,) appear before some justice of peace or magistrate, and declare the same, and the oath or engagement so taken, and when and where the same was taken, and in what manner, and who shall at the same time take before such justice, &c. the oath of allegiance, shall be indemnified against any prosecution for any offence under the 37 Geo. 3. c. 123. or this act; and no confession so made by any such person shall be given in evidence against the person making the same, in any court or in any case whatever. By s. 4. persons aiding and assisting at the administering of any such oath, &c. as aforesaid, and persons causing any such oath, &c. to be administered, though not present at the administering thereof, shall be deemed principal offenders, and tried as such, and shall be adjudged guilty of felony, and suffer death without benefit of clergy, although the persons or person who actually administered such oath, &c. if any such there shall be, shall not have been tried or convicted. By s. 5. it shall not be necessary in any indictment for administering, or causing to be administered or taken, or taking any such oath, &c. or aiding or assisting at, or [*being] present at and consenting to the administering or taking thereof, to set forth the words of such oath, &c. but it shall be sufficient to set forth the purport of such oath, &c. or some material part thereof. Provided (s. 6.) that any engagement or obligation in the nature of any oath, purporting or intending to bind the person taking the same to commit any treason, murder, or felony punishable with death, shall be deemed an oath within the meaning of this act, in whatever form or manner the same shall be administered or taken, and whether the same shall be actually administered by any person to any other person, or taken by any other person without any administration thereof. Provided (s. 7.) that any offence committed

s. 3.

Indemnity to persons confessing, &c. within 3 months after the passing of this act.

s. 4.

Persons aiding in administering oaths, &c. deemed principals.

s. 5.

In indictments sufficient to set forth purport of oath.

* omitted in act.

s. 6.

Engagement in nature of oath deemed one.

s. 7.

against

*Offences where
prosecuted.*

s. 8.

*Person tried
under act, not
tried again for
same offence,
but liable for
high treason, &c.*

against this act on the high seas, or out of the realm, or within England, shall and may be prosecuted, tried and determined, before any court of *oyer and terminer* or gaol delivery for any county in England, as if therein committed; and if committed in Scotland shall and may be prosecuted, &c. either before the justiciary court at Edinburgh, or in any of the circuit courts in that part of the united kingdom. And provided (s. 8.) that any person who shall be acquitted or convicted of any offence against this act, shall not be liable to be indicted, &c. again for the same offence or fact, as high treason or misprision of high treason; and that nothing in this act shall extend to prohibit any person guilty of any offence against these acts from being tried for the same as high treason or misprision of high treason.

Of Misprisions and Contempts, affecting the King and Government.

*Penalties on
persons per-
suading soldiers
to desert.*

57 Geo. 3. c. 35.
s. 149. U. K.

s. 150.

P. 547. l. 2. It is one of the provisions of the annual mutiny act, that if any person shall, in any part of his majesty's dominions, directly or indirectly, persuade or procure any soldier in the service of the king to desert or leave such service, such offender, being thereof lawfully convicted, shall forfeit £100. to the king, or to any other person who shall sue for the same; and if such offender hath not any goods or chattels, lands or tenements, to the value of £100. to satisfy the same, or if, from the circumstances and heinousness of the crime, it shall appear to the court before which the said conviction shall be made, that such forfeiture is not a sufficient punishment for such offence, it shall be lawful for such court to commit such offender to prison, for any time not exceeding 12 months, there to remain without bail or mainprize, and also to stand in the pillory, for one hour, in some market town next adjoining to the place where the offence was committed, in open market there, or in the market town itself where the offence was committed. And by s. 150. the penalties

penalties so by this act imposed for persuading, &c. any soldier to desert within England, shall be recoverable in any court of record at Westminster, and if in Scotland, then in the courts of exchequer in Scotland, and if in Ireland, then in any of his majesty's courts of record in Ireland; and if in Guernsey or Jersey, then in the royal courts of said islands respectively. And the annual act for regulating of his majesty's royal marine forces while on shore, contains similar provisions.

Penalties how recoverable.

57 Geo. 3. c. 13. s. 62. 63. U. K.
Like provisions as to mariners on shore.

P. 558. l. 38. The 57 Geo. 3. c. 92. U. K. recites, that by certain acts of his majesty's predecessors, it was provided that officers in his majesty's navy and army should take certain oaths, and make and subscribe certain declarations, before they shall enter upon the offices or places of trust; and that doubts have been entertained whether the provisions of said acts are still in force; and therefore enacts, that it shall be lawful for his majesty's principal secretaries of state, the lord high admiral of the united kingdom of Great Britain and Ireland, or the commissioners for executing that office, the commander in chief of his majesty's land forces, the master general of the ordnance, and the secretary at war, for the time being, or any persons thereunto lawfully authorized, to deliver commissions or warrants to any officers in his majesty's navy, land forces, or marines, without previously requiring such officers to take said oaths, &c. Provided (s. 2.) that nothing herein shall extend to any oaths or declarations required by any act or acts now in force, to be taken, &c. by any such officer, after he shall have accepted and received any such commission, &c.

The secretaries of state, &c. may deliver commissions or warrants to officers of navy, army, or marines, without previously requiring certain oaths, &c. to be taken, &c.

57 Geo. 3. c. 92. U. K.

s. 2.

Provided that such oaths, &c. be taken, &c. after receiving commissions.

Of Offences against Public Justice.

P. 613. last line. The 57 Geo. 3. c. 108. I. recites, that certain customs, tolls and duties, unwarranted by law, have been at sundry times levied in Ireland; and to prevent

After July 1, 1818, boards specifying tolls shall be erected at fairs, markets, &c.

57 Geo. 3. c. 108.
I.

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

11. U. 89. 89. 4

prevent the same enacts, that all persons collecting customs, tolls, or duties, or claiming the same, at any fair, market, or port in Ireland, shall erect, affix, and keep up, during the whole continuance of such fair or market, in some conspicuous place at each principal entrance of the same, and the principal quay or landing place at each port, a painted board, having thereon a schedule in large and legible characters, specifying distinctly the custom, toll, or duty claimed on each article sold at such fair or market, or landed at such port, and the names of the persons collecting the same, and of the person or persons, or corporation, claiming right to the same, so that such boards may be examined by all persons desirous of so doing. And by s. 2. every person who shall attempt to collect or levy any custom, toll or duty, without having previously erected such boards, or without having kept up the same as aforesaid, shall, for every custom, toll or duty, which he shall attempt to collect or levy, either in money or kind, not being so specified on such boards, or at a time when such boards shall not be up as aforesaid, forfeit for every such offence 40s. to any person suing for the same. Provided (s. 3.) that in case it shall appear that the toll board or boards shall have been defaced or removed by violence, then such collector shall not be liable to such penalty, unless he shall neglect to re-instate such boards as soon as the same may be reasonably done. And by s. 4. every person who shall remove or deface such board or boards, or shall be engaged in any riot in which such board, &c. shall be defaced, &c. shall forfeit £5. to any person suing for the same. By s. 5. the penalties herein-before set forth shall be recoverable, on summary conviction of either of the offences aforesaid, before any 2 magistrates of the county, city or town, where such offence shall be committed, and shall be levied by distress under the warrant of such magistrates, &c. Provided (s. 6.) that persons, &c. convicted may appeal, in the usual manner, to the next ensuing quarter sessions, where the case shall be finally determined. By s. 7. all persons or corporations claiming a right to levy any custom, toll or duty, at any fair or market, or at any port

*Penalty on
levying tolls,
without having
such boards
erected.*

*Proviso as to
such boards be-
ing removed by
violence, &c.*

*Penalty for re-
moving or de-
facing such
boards.*

*Penalties how
recovered.*

*Appeal to quar-
ter sessions.*

*Schedules of
tolls to be deli-*

port in Ireland, shall, on or before 1st July, 1818, deliver in to the clerk of the peace of the county, &c. where such customs, &c. may be claimed, a schedule of the tolls, &c. claimed by such persons, &c. on every article sold at such fairs, &c. or landed at such ports; and in default thereof, it shall not be lawful for any such persons, &c. to levy any such custom, &c. or any person for them; and such persons or corporations, and all persons attempting to levy any custom, &c. shall incur and forfeit such penalty or penalties as have been provided by law against persons taking illegal tolls: provided that it shall be lawful for persons, &c. who shall deliver such schedules after 1st. July, 1818, to the clerk of the peace as aforesaid, to levy the legal customs, &c. after they shall have delivered in such schedules. By s. 8 the clerk of the peace shall keep a registry of all such schedules, and shall give to every person or corporation as aforesaid, a certificate of having registered such schedule, when such schedule shall have been delivered to him. By s. 9. nothing in this act shall (except as is herein-before provided) extend, diminish, or alter the rights of persons claiming or paying customs, &c. at such fairs, &c. or the penalties to which they may become liable, or their mode of redress, otherwise than as the same are at present by law established.

vered to clerk of
the peace, or
levying of tolls
unlawful.

s. 8.

Clerk of the
peace to give
certificate.

s. 9.

Saving for
rights of per-
sons claiming
or paying tolls,
&c.

Of Offences against the Public Peace.

P. 619. 624. 636. 1020. The 52 Geo. 3. c. 130. G. B. recites the 1 Geo. 1. st. 2. c. 5. Eng. (vol. 2. p. 619.) the 9 Geo. 1. c. 22. Eng. (vol. 2. p. 624.) the 9 Geo. 3. c. 29. Eng. (vol. 2. p. 636. & 1020.) the 41 Geo. 3. c. 24. G. B. (vol. 2. p. 636.) and the 43 Geo. 3. c. 58. U. K. (vol. 2. p. 920.) and for the more effectual punishment of persons destroying

Wilfully burn-
ing building, &c.
of manufactory,
&c. a capital
felony.

52 Geo. 3. c. 130.

G. B.

destroying the properties of his majesty's subjects, and enabling the owners of such properties to recover damages for the injury sustained, enacts, that every person who shall wilfully or maliciously burn or set fire to any buildings, erections, or engines, which shall be used or employed in the carrying on or conducting of any trade or manufactory, or any branch or department of any trade or manufactory of goods, wares or merchandize, of any kind or description, or in which any goods, &c. shall be warehoused or deposited, shall be adjudged guilty of felony without benefit of clergy. And by s. 2. if any person

s. 2.
So riotously demolishing any building, &c. of manufactory, &c.

or persons unlawfully, riotously, and tumultuously assembled together in disturbance of the public peace, shall unlawfully, and with force, demolish or pull down, or begin to demolish or pull down any erection and building, or engine, which shall be used or employed in the carrying on or conducting of any trade or manufactory, or any branch, &c. of any trade or manufactory of goods, &c. of any kind, or in which any goods, &c. shall be warehoused or deposited, every such demolishing, &c. or beginning to demolish, &c. shall be adjudged felony without benefit of clergy. And by s. 3. any person in-

s. 3.
Amount of damage how recovered.

jured or damnified by such demolishing or pulling down, wholly or in part, of any such erection, &c. shall be entitled to recover the value of such erection, &c. and of the machinery belonging thereto, or used therein, which shall be destroyed in such demolishing, or the amount of the damage which may be done to such erection, &c. in such tumultuous and riotous demolishing in part as aforesaid; and such value or damage shall and may be recovered, levied, raised and reimbursed, in such manner and form, and by such means as are provided, directed or referred to in the 1 Geo. 1. st. 2. c. 5. Eng. (vol. 2. p. 619.)

s. 4.
Notice to inhabitants within 2 days.

Provided (s.4.) that no persons shall be enabled to recover damages by virtue of this act, unless they shall, by themselves or their servants, within 2 days after such damage or injury, give notice thereof unto some of the inhabitants of some town, village or hamlet, near unto the place where such fact shall be committed; and shall, within 4 days after such notice, give in their examination upon oath, or the

the examination upon oath of their servants, that had the care of the erections, &c. so destroyed or damaged, before any justice of peace of the county, liberty or division where such fact shall be committed, inhabiting within the hundred where said fact shall be committed, or near unto the same, whether they know the persons that committed such fact, or any of them; and if it be confessed that they do know the persons that committed said fact, or any of them, then every person so confessing shall be bound by recognizance, to prosecute every such offender by indictment, or otherwise according to law: *Examinations sworn within 4 days.*

Provided that no person who shall sustain any damage by any offence committed contrary to this act, shall be enabled to sue or bring any action against any inhabitants of any hundred where such offence shall be committed, except the party sustaining such damage shall commence his action, &c. within one year after such offence: *Parties bound to prosecute.*

Provided that the notice hereby required may and shall be given, in Scotland, to the sheriff or steward depute or substitute of the county or stewartry where such fact shall be committed. *Notice how given in Scotland.*

And the 56 Geo. 3. c. 125. G. B. recites the 1 Geo. 1. c. 5. Eng. 9 Geo. 3. c. 29. Eng. and 52 Geo. 3. c. 130. Eng. *supra*, and that more effectual provisions should be made for the protection of property not within the provisions of said acts; and therefore enacts, that if any person or persons unlawfully, riotously, and tumultuously assembled together in disturbance of the public peace, shall unlawfully, and with force, demolish, pull down, destroy, or damage, or begin to demolish, &c. any fire engine or other engine, erected or to be erected for making, sinking, or working collieries, coal mines or other mines, or any bridge, waggon-way, or trunk, erected or made, or to be erected or made, for conveying coals or other minerals from any colliery, coal mine or other mine, to any place, or for shipping the same, or any staith or other erection or building for depositing coals or other minerals, or used in the management or conducting of the business of any such colliery, &c. whether the same engines, &c. shall be respectively completed and finished, or

56 Geo. 3. c. 125 G. B. Tumultuously destroying or damaging engines, &c. belonging to collieries, &c. felony without benefit of clergy.

- only begun to be set up, made, and erected, every such demolishing, &c. or beginning to demolish, &c. shall be adjudged felony without benefit of clergy. And by s. 2.
- Persons injured may recover damages under 1 Geo. 1. c. 5.* the person or persons injured or damnified by such demolishing, &c. or beginning to demolish, &c. any such property herein-before specified, shall be entitled to recover the value of such property herein-before specified, so demolished, &c. or the amount of the damage done to the same as aforesaid; and such damage shall and may be recovered, levied, raised, and reimbursed in such manner, and by such ways, as are particularly provided or referred to in the 1 Geo. 1. st. 2. c. 5. in respect of the several descriptions of building therein mentioned. Provided (s. 3.) that whenever any person or number of persons shall be unlawfully assembled together in disturbance of the public peace as aforesaid, the owner or proprietor of any of the engines, works, buildings, or other property herein-before particularly specified, shall, as soon as conveniently may be, after such unlawful assembly shall take place, by himself or by his servants, give, or cause to be given, due notice and information of such assembly having taken place, to some or one of the nearest magistrates, and to the constable or some one of the resident house-keepers of the towns, villages, or hamlets, near to the place where any such assembly shall take place; and no person shall recover any damages by virtue of this act, unless he shall have given such notice, &c. as aforesaid, within 2 days after such damage done him, unto some of the magistrates of some town, village, or hamlet near unto the place where such fact shall be committed; and shall, within 4 days after such notice, give in his examination upon oath, or the examination upon oath of his servant or servants, that had the care of his property so destroyed or damaged as aforesaid, before any justice of peace of the county, &c. where such fact shall be committed, inhabiting within the said hundred, &c. or near unto the same, whether he or they do know the person or persons that committed such fact, or any of them; and if upon such examination it be confessed that he or they do know, &c. then he or they shall be bound by recognizance to prosecute such offender, &c. by indictment,
- s. 2.
- s. 3.
- Proprietors of engines, &c. to give notice of such unlawful assemblies, to magistrates, &c.*
- Notice to inhabitants of neighbouring town, &c. and information sworn thereupon.*

ment, or otherwise, according to law : provided also, that no person who shall sustain damage by any such offender, shall be thereby enabled to sue the inhabitants of any hundred where such offence shall be committed, except such party shall commence his action, &c. within a year after such offence. *Action brought within a year,* And it is provided, that the notice hereby required shall be given in Scotland to the sheriff or steward depute, or substitute of the county or stewartry, where *Notice in Scotland, how given.* such fact shall be committed, that such measures may be taken as the law of Scotland prescribes.

P. 636. l. 24. For the preserving and restoring of peace in such parts of Ireland as may at any time be disturbed by seditious persons, or by persons entering into unlawful combinations or conspiracies, the 54 Geo. 3. c. 180. *Extraordinary sessions to be summoned by clerk of the peace at the request of 2 justices, and at such time and place as they shall appoint.* I. enacts, that it shall be lawful for any two justices of peace in any county, or county of a city or town in Ireland, to direct, by writing under their hands and seals, the clerk of the peace thereof to summon an extraordinary session I. of the peace to be holden therein, at such place and at such time as they shall deem expedient, (not sooner than 48 hours after such direction shall have been delivered to such clerk of the peace) in order to consider the state of such county, town or city; and thereupon such clerk of the peace shall forthwith post notice thereof on the door of the court-house of such county, &c. and cause, as far as in him lies, every justice of peace of such county, &c. who shall be resident therein, to be summoned to such sessions; in serving which summons, every constable, sub-constable, and sheriff's bailiff, shall be assisting to such clerk of the peace; and the justices assembled in consequence, not being fewer than 7 in a county at large, or than 3 in a county of a town or city, or the major part of such justices, shall and may, if they see fit, upon due consideration of the state of the county, signify, by memorial signed by them, to the lord lieutenant, &c. that they consider their county, or any part thereof, in a state of disturbance, or in immediate danger of becoming so; and thereupon it shall be lawful for the lord lieutenant, &c. with the advice of the privy council, if he and they shall think proper, by proclamation, to declare such county, or any part thereof, *Notice and summons thereupon, how served, &c.* *7 justices in counties, or 3 in cities, to concur in notifying to lord lieutenant the disturbed state of county.* *Lord lieutenant and council may thereupon proclaim such county, &c.*

to

*Clerk of the
peace to give no-
tice of procla-
mation to ma-
gistrates and as-
sistant barrister.*

*Proclamation
to warn inhabi-
tants to stay in
their houses.*

*Special sessions
ordered by such
proclamation.*

*Clerk of the
peace to publish
and post up pro-
clamation.*

to be in a state of disturbance, or in immediate danger of becoming so ; as also such part as he or they shall think proper of any adjoining county ; a copy of which proclamation shall be forthwith transmitted by the clerk of the privy council to the clerk of the peace of every such county so mentioned therein ; who shall thereupon, forthwith, give notice thereof to the several magistrates, and to the assistant barrister of every such county, or to the person duly qualified to act as assistant barrister therein, requiring their attendance at the special sessions to be held as herein-after mentioned, unless some part of such county shall have been previously proclaimed under a proclamation then in force, by virtue whereof the special sessions shall be then sitting from day to day, as herein-after mentioned, in which case he shall, forthwith, give such notice to the justices presiding at such special sessions, who shall, thereupon, or as soon after as the said court shall sit, cause such further proclamation to be publicly read in open court. And by s. 2. every such proclamation shall warn the inhabitants of every such proclaimed county, or part thereof, to be and remain within their houses, at all hours between sun-set and sun-rise, from and after such day as shall be named therein for that purpose, under the penalties by law established ; and such proclamation shall further order that a special sessions of the peace for every such county shall be held in such county, at such time and place as shall be therein named, not exceeding 7 days from the date of such proclamation ; and such special sessions shall be held accordingly, and shall continue to sit so long as such county, or any part thereof, shall be proclaimed, and shall have power to adjourn from time to time, and from place to place within such county, as shall be found convenient ; and the clerk of the peace in every such county shall, forthwith, cause such proclamation to be published in all the public newspapers printed within such county, and cause one printed copy or more thereof to be posted up, in large legible characters, in all market towns within said county, or such part thereof as shall be so proclaimed : provided however, that if any part of such county shall have been previously proclaimed under any proclamation

clamation then continuing in force, in the whole or in part, by reason whereof there shall then be a court of special sessions of the peace sitting under this act from day to day, in such county, then such proclamation shall not make mention of any such special sessions of the peace, but the said special sessions shall continue to sit, and shall take cognizance of all offences committed within such district or part so newly proclaimed, in the same manner, in all respects, as if such sessions were summoned and sitting by and under such latter proclamation. By s. 3. every county or part of a county so proclaimed, shall be considered as a proclaimed district, from the day on which the inhabitants thereof shall be required by the proclamation to remain within their houses between sun-set and sun-rise as aforesaid, and not before. By s. 4. all proclamations which shall be issued under this act as aforesaid, or the Dublin Gazette importing to contain a copy of such proclamations respectively, shall be conclusive evidence in all courts of civil or criminal jurisdiction in Ireland, of all facts necessary to authorize the issuing of such proclamations; and every such proclamation shall be deemed to have been issued in conformity to the provisions of this act. By s. 5. after the issuing of such proclamation, the lord lieutenant, &c. shall direct one of his majesty's serjeants at law, or a king's counsel, if such serjeant or counsel can be procured, to repair to any such county, which, or any part of which, shall be so proclaimed, and there to continue and to preside at said sessions from day to day, in manner hereinafter mentioned, so long as such county shall continue to be so proclaimed, unless sooner recalled or permitted to leave the same by the lord lieutenant, &c.; and the assistant barrister of every such county, or such other person as shall be duly authorized to do his duty, shall, on receiving such notice, forthwith repair to such county, and shall continue in said county, and be present at said sessions, so long as the said county, &c. shall continue to be so proclaimed; so as that so long as such county, &c. shall be proclaimed, there shall be an assistant barrister, &c. therein. And by s. 6. such serjeant or king's counsel shall preside in said court of sessions as the chief judge thereof; and such sessions

Proceeding where part of county previously proclaimed.

s. 3.

County, &c. deemed proclaimed from what day.

s. 4.

Proclamation conclusive evidence of the authority of issuing it.

s. 5.

Serjeant at law or king's counsel appointed to preside at special sessions.

Assistant barrister of county also to attend said sessions, and continue in said county.

s. 6.

Such sessions to have the powers

of a court of oyer and terminer, and to try persons declared idle and disorderly by this act, without bill found by any grand jury, or verdict of petty jury.

s. 7.

But court may issue a precept for summoning jury, if they think proper.

sessions shall have all the jurisdiction of a court of oyer and terminer, &c. and shall proceed without any grand jury, and without any bill found, to try any person who shall, by information on oath, taken before any justice of the peace of the county wherein such court shall sit, and returned to the clerk of the peace for said county, or his deputy, be accused of any of the matters in respect whereof any person is by this act declared to be an idle and disorderly person, and shall try such person on evidence upon oath, to be administered by such court in support of such accusation, and in support of the defence of such person, if any such shall be offered, and shall convict or acquit the person so tried according to the merits of the case; and such conviction and judgment, or acquittal, may be had without the verdict of any petty jury, and shall be equally valid as if such judgment had been had on a bill found by a grand jury, and the verdict of a lawful petty jury given thereon. Provided, (s. 7.) that if such court shall think proper, having due regard to the circumstances of the case, and the then existing state and condition of the county, to try any persons charged upon any such information, by a jury, it shall be lawful for such court to issue a precept under the hand of one of the justices attending such special sessions, to such person or persons as the court shall appoint, for the purpose, commanding him or them to summon a jury to appear before the said court of special session, at the time and place mentioned in the said precept, which summons all persons are hereby required to obey; and it shall be lawful for said court, upon the appearance of said jury, to cause said jury to be sworn and impanelled immediately, or at any time they may appoint to try the said person or persons upon the said information; and the sessions held under this act shall have all powers of enforcing the attendance of persons so summoned, as any court of general sessions, or quarter sessions of the peace; and the verdict of such jury shall be of the same effect, as the verdict of a jury in a court of oyer and terminer, &c. and the said court of sessions shall pass their judgment on such case accordingly: Provided that the execution

execution of any judgment or conviction shall be suspended, unless the serjeant or king's counsel so presiding shall agree with the majority of the justices of peace present at such court; and in case such serjeant or counsel shall differ in opinion from the majority of the justices present at such sessions, he shall, forthwith, report the case, and the whole of the evidence taken upon the same, together with his opinion, to the lord lieutenant, &c. who shall give such direction thereupon as he may think proper; and until such directions shall have been received, the prisoner shall remain in custody: Provided that nothing herein shall prevent the holding the general sessions of the peace in such county, in the usual manner for discharging the ordinary business thereof, at such hours as the said special sessions shall not be sitting. And by s. 8. it shall be lawful for the said court, by summons under the hand of one of the justices attending such special sessions, to summon any persons to attend the said special sessions as witnesses upon the trial of any such information as aforesaid; which summons every person so summoned shall obey, subject to such fines, penalties, punishments and forfeiture for non-attendance, as persons summoned or subpœnaed by any court of *oyer and terminer*, &c. are subject to; and all witnesses examined by said court, or by any justice upon any information exhibited to him, shall be liable to the same punishment, &c. for perjury, as witnesses examined by any court of *oyer and terminer*, &c. are subject to. And by s. 9. copies of all informations upon oath, upon which any person shall be tried under this act, and of all judgments and convictions thereupon, shall, by the serjeant or counsel so presiding at such sessions, be deposited with or forwarded to the clerk of the peace of the county for which such court shall be held, and shall be filed among the records of the quarter sessions of such county.

Execution of any judgment suspended unless serjeant or king's counsel concur therein.

If dissenting therefrom report to be made to lord lieutenant.

Proviso as to general sessions.

s. 8.

Power to summon witnesses.

Witnesses liable to prosecution for perjury.

s. 9.

Copies of informations, judgments, &c. to be filed by clerk of the peace.

s. 10.

By s. 10. any magistrate or peace officer may cause to be apprehended and committed any person who shall, within any such county or district so proclaimed, be found in the fields, streets, highways, or elsewhere, out of his or her dwelling or place of abode, at any time from

Magistrates, &c. may apprehend persons out of their houses between sun-set and sun-rise.

one

Such persons deemed idle and disorderly, unless proof given of their being out on some lawful occasion.

s. 11.

Justices, &c. may use force to enter houses the inhabitants of which are suspected of being absent,

Persons absent apprehended and tried as idle persons.

Justices to report the names of persons authorized by them to make such search.

s. 12.

Persons taking unlawful oaths deemed idle and disorderly.

one hour after sun-set until sun-rise; and such person being duly charged therewith on oath as aforesaid, shall and may be brought before the said special sessions which shall inquire into the said charge; and unless such person can prove to the satisfaction of such court, (taking the assistance of a jury when and so far only as such court shall require the same,) that he or she was out of his or her house upon his or her lawful occasions, such person shall be deemed an idle and disorderly person.

By s. 11. it shall be lawful for any justice of peace, or any person thereto authorized by the warrant of any justice of peace, at any time from one hour after sun-set until sun-rise, to demand admission, and in case admission shall be refused, or not obtained within a reasonable time after it shall have been first demanded, to enter by force into any house in any county or district so proclaimed, from which he shall suspect the inhabitants, or any of them, to be then absent, and search therein, so as to discover whether the inhabitants or inmates, or any of them, be absent; and if any of them shall be absent between the said hours, any magistrate or peace officer may cause to be apprehended, &c. the persons so absent, who shall be brought before the said special sessions as aforesaid, and shall be deemed idle and disorderly, unless they can prove to the satisfaction of said court, with or without the aid of a jury as aforesaid, that they were absent on their lawful and proper occasions: Provided that such justice of the peace authorizing and directing any persons to make such search, shall make a true and faithful report of the names of all persons so deputed to make such search, and their quality and descriptions, to the special sessions, within 7 days after such search. And by s. 12. any person who shall take or enter into any oath or engagement declared to be unlawful, or for the taking or entering into which any penalty or punishment is imposed by any act in force in Ireland, not being compelled thereto by inevitable necessity, shall be deemed an idle and disorderly person: provided that if any person shall be tried for such fact before such special sessions, in the mode prescribed by this act, such person shall not be liable to be again tried or questioned for the same fact or offence before

before any other jurisdiction. And by s. 13. if any justice of the peace, or other person authorized by the warrant of such justice, shall, in any such proclaimed district, find any arms or ammunition, or any pike, pikehead, spear, dirk, or other offensive weapon, in the house, or power or possession of any person, concealed or otherwise, after the person or persons inhabiting such house, or the person who shall have such arms, &c. in his possession, shall have been called upon to deliver up the same, such person shall be deemed an idle and disorderly person, unless such person shall prove to the satisfaction of the court of special sessions, that such arms, &c. were in his house, &c. without his knowledge, privity, or consent. And by s. 14. all persons found assembled in any proclaimed district, in any house licensed or unlicensed, in which malt liquors or spirituous liquors are sold, not being inmates thereof, or travellers, after the hour of 9 at night, and before 6 in the morning, shall be deemed idle and disorderly persons. And by s. 15. if in any district so proclaimed, any person shall unlawfully or tumultuously assemble in the day time, such persons, and every of them, shall be deemed idle and disorderly.

s. 13.

Persons having arms, &c. concealed, deemed idle, &c.

s. 14.

Persons assembled in public houses after 9 at night, deemed idle, &c.

s. 15.

or assembling tumultuously, &c. in day time.

s. 16.

Persons convicted as idle and disorderly, transported,

s. 17.

Proceedings of such sessions final and conclusive.

s. 18.

Persons adjudged to be transported, may be transmitted immediately.

s. 19.

Sheriffs and gaolers to be answerable for safe keeping of such convicts,

By s. 16. All persons convicted of being idle and disorderly shall be transported for 7 years, by the order, judgment, and sentence of said court of special sessions; and such order, &c. shall be of the like effect as if the same had been the order of a court of *oyer and terminer*, &c. And by s. 17. no proceeding of said special sessions, or judgment or conviction had or pronounced by said court, shall be moved into the king's bench by *certiorari* or otherwise, or shall be examinable, quashed, or reversed, but shall be final and conclusive to all intents and purposes. By s. 18. it shall be lawful for said court, after adjudging any person to be transported as aforesaid, immediately on such adjudication, to order such person to be transmitted out of the county, if such court shall think proper, to any other gaol in Ireland, there to remain until he shall be removed and transported pursuant to said adjudication. And by s. 19. all sheriffs and gaolers in Ireland shall receive and be answerable for the safe keeping of all persons so transmitted, as if they had been so delivered for transportation

*Persons hawk-
ing, &c. sediti-
ous hand-bills,
&c. in proclaim-
ed districts, how
punished.*

s. 20.

*2 justices may
order registered
arms to be de-
livered up ;*

*and may enter
houses to search
for arms.*

*Justices, &c. to
give receipt for
arms so taken
by them.*

*What persons
excepted out of
this clause.*

s. 22.

*Special sessions,
to try idle and
disorderly per-
sons only.*

portation by order of the court of *oyer and terminer*, &c. in which the gaol lies. By s. 20. any person who shall hawk or disperse any seditious hand-bill, paper, or pamphlet, in any such proclaimed district, unless he shall discover to the satisfaction of such court of special sessions the person or persons from whom he received, or by whom he was employed to sell, hawk, or disperse such paper, shall be deemed an idle and disorderly person, but shall not be liable to transportation, but shall, by the sentence of said court, be committed to the gaol of such county, for a time not exceeding 12 calendar months. By s. 21. it shall be lawful for any two justices of the peace, or any person authorized by warrant of 2 such justices, in any district so proclaimed, and whilst such proclamation shall remain in force, to call upon every person within such district, who shall have registered arms under the provisions of any act or acts heretofore made, or hereafter to be made, to produce or account for or deliver up all arms, ammunition, or offensive weapons, which such person shall have in his possession ; and to enter any house or place, and search for arms and ammunition, and to take and carry away the same, whether so registered or not, which they may think necessary to take possession of, in order to preserve or restore the public peace, and to dispose thereof in a place or places of safety : provided that the justices or other person taking such arms do, upon demand, give to the owner or possessor thereof, a receipt signifying the number and kinds thereof, that, when such district shall cease to be disturbed, such arms, &c. may be restored to the person from whom the same were taken, if he be entitled to receive and keep the same, or may be otherwise disposed of as the law directs : Provided that nothing in the foregoing clause shall affect any person serving in his majesty's regular or militia forces, or in any yeomanry corps, or any privy counsellor or member of parliament, or peace officer, in respect of any arms that they have in their custody.

By s. 22. the court of special sessions shall not take cognizance of any offence, save only the offence of being idle and disorderly persons under this act : Provided that nothing herein shall take away from such court such powers

of

of fining or imprisoning, in a summary way, for contempts *Proviso as to*
or other misconduct, or of removing or punishing any *contempts of*
peace officer of such court, as are incident to a court of *court, &c.*
oyer and terminer, &c. By s. 23. every justice of peace *s. 23.*
who shall take any informations against any person, for any *Informations*
offence of which the cognizance is by this act given to said *for offences*
court of special sessions, shall immediately return every *against this act*
such information to the clerk of the peace of said county, *to be returned*
who shall forthwith lay the same before said court. By s. 24. *immediately.*
it shall be lawful for all magistrates of the adjacent coun- *s. 24.*
ties at large, to execute this act within the several counties *Magistrates of*
of cities or counties of towns in Ireland, except the county *counties at large*
of the city of Dublin; and the several magistrates of such *may execute this*
counties of cities, &c. shall have like powers to execute *act in cities, &c.*
this act in the adjacent counties at large. And by s. 25. all *adjacent, and*
powers given to, and all duties required from magistrates of *vice versa.*
counties at large, by this act, are hereby given to and re- *s. 25.*
quired from all magistrates of counties of cities or counties *Magistrates of*
of towns in Ireland. By s. 26. if any action, suit, plaint, *cities, &c. to*
or information, shall be commenced or prosecuted against *have like powers,*
any person for what he shall do in pursuance and execution *&c. under this*
of this act, the same shall be commenced within six months *act as magis-*
after the offence committed, and shall be brought or laid *trates of coun-*
within the county where the act was committed; and such *ties.*
person may plead the general issue of not guilty, and may *s. 26.*
give this act and the special matter in evidence; and if the *Actions against*
plaintiff or prosecutor shall become non-suit, or forbear *persons execut-*
prosecution, or suffer a discontinuance, or if a verdict, or *ing this act, to*
judgment on demurrer, shall pass against him, the defen- *be commenced*
dant shall recover treble costs. And by s. 27. in all cases *within 6 months.*
where there shall be a verdict for the defendant, if it shall *Pleading in*
appear to the judge or court before whom the said cause *such actions.*
shall have been tried, that the same was prosecuted for any *Treble costs to*
act done in pursuance or execution of this act, such judge, *defendants.*
&c. shall certify the same on the record, and thereupon *s. 27.*
such treble costs shall be adjudged as aforesaid; and if the *Judge's certifi-*
plaintiff or prosecutor shall become non suit, or forbear *cate to entitle*
prosecution, or suffer a discontinuance, or if judgment shall *defendant to*
pass against him on demurrer, it shall be lawful for the de- *treble costs.*
fendant or defendants, or any of them, to suggest on the
record

Suggestion of defendant when plaintiff suffers non-suit &c.

Treble costs for defendant if such suggestion not traversed, or issue thereon found for him.

If traverse found for plaintiff his costs set off against those of defendant.

s. 28.

Where verdict for plaintiff in action, if judge certifies probable cause for doing act complained of, then damages shall not exceed 6d. and plaintiff shall not have costs.

But if judge certifies injury to be wilful and malicious, then treble costs to plaintiff.

s. 29.

Lord lieutenant may revoke proclamation.

Such new proclamation how notified.

record, that such action, &c. was brought against such defendant or defendants for what he or they did in pursuance or execution of this act ; which suggestion may be traversed by the plaintiff, if he shall think proper so to do, and issue being joined thereupon, the same shall be tried at *Nisi Prius* ; and if such suggestion shall not be traversed, or if the issue thereupon shall be found for such defendant or defendants, he or they shall thereupon be entitled to treble costs as aforesaid, together with treble costs of said suggestion, and of the proceedings thereon, (if any) ; and if such issue shall be found for the said plaintiff, he shall be entitled to the costs of the said suggestion, and the proceedings thereon ; and the same shall be set off against the costs to be adjudged to the defendant or defendants making such suggestion on such action, &c. and the judgment shall be for the balance of said costs, if any. Provided, (s. 28.) that when a verdict shall be given for the plaintiff in any action to be brought against any justice of peace, peace officer, or other person, for taking or imprisoning, or detaining any person, or for seizing arms, or entering houses, under colour of any authority given by this act, and it shall appear to the judge before whom the same shall be tried that there was a probable cause for doing the act complained of in such action, and the judge or court shall certify the same on record, then the plaintiff shall not be entitled to more than 6d. damages, nor to any costs of suit : Provided that where a verdict shall be given for the plaintiff, and the judge or court before whom the cause shall be tried, shall certify on the record that the injury for which such action is brought was wilfully and maliciously committed, the plaintiff shall be entitled to treble costs of suit, By s. 29. it shall be lawful for the lord lieutenant, &c. by a new proclamation to be made with the advice of the privy council, to revoke any proclamation issued in pursuance of this act, as to the whole or any part of the district thereby proclaimed ; which new proclamation shall be forthwith transmitted by the clerk of the privy council to the clerk of the peace of such county, who shall notify the same to the said court of sessions of the peace, forthwith, if said court shall be actually sitting when he shall receive the same,

same, and if not, then at the next sitting of such court ; and such court shall thereupon cause the same to be read in open court, and on such new proclamation being read, the original proclamation shall forthwith stand revoked, so far as said new proclamation shall purport to revoke the same ; and if no part of such county shall then remain proclaimed, such special sessions shall forthwith cease and determine. By s. 30. it shall be lawful for the lord lieute-

s. 30.

nant, &c. to order such sums of money as he shall think proper, to be advanced out of the consolidated fund, to every such serjeant at law, counsel learned in the law, or assistant barrister, or person doing the duty of the assistant barrister, who shall preside at such special sessions, as a compensation for such his time and trouble. By s. 31. the

*Serjeant or
king's counsel
and assistant
barrister how
paid.*

s. 31.

grand jury of every such county in which such special sessions shall be held, at the next ensuing assizes, and the grand juries for the next presenting terms for the county and county of the city of Dublin, in case such special sessions shall be held therein respectively, shall present a sum to be raised off the county, if the whole thereof shall be so proclaimed ; and if not, then off such part thereof as shall be so proclaimed, for the purposes following ; viz. in the first place to repay to the consolidated fund the sum advanced to the serjeant at law, counsel learned in the law, or assistant barrister, or person doing his duty ; and in the next place, to pay to the acting clerk of the peace of such county, after the rate of one guinea for each day he shall be employed in attending such special sessions, and shall personally attend ; and in the next place, such sum as may be necessary to pay the expenses of sending prisoners to gaol under the provisions of this act, not exceeding 3d.

*Grand juries
to present mo-
ney advanced
for paying
king's serjeant
or counsel,
and assistant
barrister ;*

*and to pay clerk
of the peace ;*

per mile for each constable and assistant, which the person who shall sign the warrant of commitment shall certify to

*and expenses of
transmitting
prisoners ;*

have been ordered by him to go with such prisoner ; and lastly, all such sums as may be requisite to defray the expenses necessarily incurred in the execution of this act ; and the said sums shall be so raised and paid accordingly ;

*and all expenses
necessarily in-
curred in execu-
ting this act.*

and the amount of the said sum so advanced out of the consolidated fund, shall, when raised, be paid by the treasurer of such county to the collector of excise for the district ;

Such presentments to be first filed.

s. 32.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

Proclamations, &c. under the 54 Geo. 3. c. 131. and this act may be either distinct or concurrent.

strict; and no other presentment shall be filed by the judge or court at such assizes or presenting term respectively, until such presentment shall first have been made by the said grand jury thereat. And this act provides, (s. 32.) that nothing herein shall take away or abridge the powers given to any magistrate or chief constable, or other constable under any act * passed or to be passed in this sessions to provide for the better execution of the laws in Ireland, by appointing superintending magistrates and additional constables in counties, in certain cases; or to alter or affect any proclamation or other proceedings to be had under any such act in any county, which shall at any time be proclaimed under the provisions of this act; but that proclamations and other proceedings may be had in any county in Ireland, under the provisions of the said recited act, distinct from or concurrently with the proclamations, &c. under this act, as may from time to time be thought expedient by the lord lieutenant, &c.; and the magistrates, chief and other constables, to be appointed under any such act, may act in the execution of such act, in any county to be proclaimed under this act. By s. 33. this act shall be in force for 2 years, and from thence until the end of the then next session of parliament. This act has been since continued by the 57 Geo. 3. c. 50. I. for one year from the end of the then session of parliament.

s. 33.

Duration of this act.

57 Geo. 3. c. 50. I.

The 54 Geo. 3. c. 180. continued.

The acts for preventing improper persons from having arms, continued.

57 Geo. 3. c. 21. I.

Special general session how convened in counties where disturbances prevail, &c.

52 Geo. 3. c. 17. E.

The 57 Geo. 3. c. 21. I. has revived † the acts (47 Geo. 3. st. 2. c. 54. I. and 50 Geo. 3. c. 109. I.) for the preventing improper persons from having arms in Ireland, (see Addenda 1. p. 97. &c.;) and continues them in force for 2 years from the passing of this act, (29th April, 1817.) and from thence until the end of the then next session of parliament.

P. 654. l. 3. The 52 Geo. 3. c. 17. E. is one of those acts for the more effectual preservation of the peace, which, though of a temporary nature, it is thought proper to abridge in this supplement. This statute recites, that considerable numbers of disorderly persons have for some time

* Vide 54 Geo. 3. c. 131. I. ante p. 49 to 51.

† These acts were continued for 2 years, &c. by the 53 Geo. 3. c. 78. I.

time past assembled themselves together, on different occasions, in a riotous and tumultuous manner, in several parts of the county of Nottingham, and in the town and county of the town of Nottingham, and in the adjoining counties, and have had recourse to measures of force and violence, and have actually committed various acts of outrage in different parts of the said counties, whereby the property of many of his majesty's subjects has in several instances been wholly destroyed, and their lives and properties are still endangered; and that the giving more prompt means, and more effectual powers for enforcing the duties of watching in the night-time, and warding in the day-time, will tend to the preservation of the peace, and to the protection of the persons and properties of the inhabitants of said counties, and of any other counties in which similar outrages may be committed; and therefore enacts, that the *custos rotulorum*, or, in his absence, the sheriff, or any 5 justices of peace acting in and for any county in England, may, as often as occasion shall require, in case of disturbances or offences against the peace prevailing or being apprehended within the county shall, in his or their opinion, render the execution of this act advisable and necessary, by order under his or their hands and seals, direct the clerk of the peace acting for the county, or his lawful deputy, to convene a special general sessions of the justices of peace acting in and for the county, by notice in some newspaper circulating in the county, and put up upon the church doors and conspicuous places of the market-places, if any, of the several parishes, towns, and places, in which such disturbances shall be, or are apprehended, 2 days at least before the time fixed for the meeting, to take into consideration the expediency of carrying into effect all or any of the provisions of this act; and the justices so assembled may adjourn such sessions from time to time.

And by s. 2. in case it shall appear to the justices at such special general sessions so assembled, that disturbances prevail, or are apprehended in the county, within any parish, township or place within their jurisdictions, and that the ordinary officers appointed for preserving the peace are not sufficient for the protection of the inhabitants, and

security

s. 2.

Five justices must concur at such sessions in declaring the expediency of enforcing the duties of watching and warding

*under this act
in such county.*

*Notice thereof
to be given to
secretary for
home depart-
ment, and pub-
lished, &c.*

s. 3.

*Justices to sum-
mon witnesses
to such sessions,
and to make
compensation
to them.*

*Penalty for de-
fault of witness.*

s. 4.

*Constables to
furnish lists of
men above the
age of 17 years,
paying poor-
rates, dwelling*

security of the property being or lying in such parish, &c. then it shall be lawful for said justices, not being less than five, to adjudge and declare that the officers ordinarily appointed are insufficient for the preservation of the peace, and for the protection of the inhabitants, and the security of the property being or lying in such parish, &c. and that every man residing within such parish, &c. above the age of 17 years, and charged or assessed to the rate for the relief of the poor therein, shall be liable to the duties of watching and warding according to the provisions of this act; and, thereupon, to order this act to be carried into execution within every such parish, &c. and, forthwith, to give notice of such their adjudication and orders to the secretary of state for the home department; and notice of such adjudication shall also be published by the clerk of the peace in some one newspaper, or more, usually circulating in the county. And by s. 3. it shall be lawful for any justice of peace acting in and for any such county, by summons under his hand and seal, to cause to come before any such special general sessions so assembled, any person to give evidence and be examined concerning any matters relating to the execution of this act; and the justices at such sessions may order the treasurer of the county to pay, out of the county rates, to every person so summoned, &c. such sum as they shall adjudge to be a reasonable compensation for his loss of time, trouble and expenses; and if any person so summoned shall not appear at the time appointed, and no reasonable excuse shall be made for such absence, or if any person appearing upon such summons shall refuse to be examined upon oath, it shall be lawful for the justices present at such sessions, by warrant under the hands and seals of any 2 of them, to commit any person so neglecting or refusing to appear, or refusing to be examined, to the common gaol, or house of correction of the county, for any time not exceeding 3 months. And by s. 4. the said justices in such sessions shall order notice of such their adjudication to be given by the respective chief constables to the several constables of every parish &c. in which the provisions of this act are required to be enforced by any such adjudication, and to the special constables,

bles, if any shall have been appointed under this act, and to ^{within their re-} issue precepts requiring from said constables, within such ^{pective parishes,} ^{&c.} time as shall be required by the justices, not exceeding 3 days after such notice, a fair and true list of the names, occupations and ages, of all the men usually, and at that time dwelling within their respective parishes, &c. above the age of 17 years, and who are assessed to the rates made for the relief of the poor therein, and to return the same to the said justices, or to any 2 of them, assembled in such special or petty sessions, as shall be appointed to be held for receiving the same. And by s. 5. it shall be lawful for every constable required to return or assist in the making out any such list, to demand from the overseers of the poor of every such parish, &c. a true copy of the assessment last made for the relief of the poor therein; or the inspection and use of such assessment, for making a copy or copies of the same, or any part or extracts thereof: and in case any such overseer shall neglect or refuse, by the space of 24 hours, to deliver such copy of said assessments, if the same shall be demanded, or shall refuse the inspection and use of such assessment, he shall forfeit a sum not exceeding £10. for every such offence. And by s. 6. every such constable shall, within such time as shall be prescribed by said justices, make out a true list of every man within the parish, &c. or any part thereof, for which he shall be required to make out such list, above the age of 17 years, and rated as aforesaid, and shall to every such person deliver a notice, according to the form contained in the schedule hereto annexed, marked (A.) specifying that his name is contained in such list, and mentioning the time and place appointed by the justices for hearing appeals by persons claiming to be exempt from the duties required by this act. By s. 7. the said justices, or any two of them, may, from time to time, issue their order, under their hands and seals, requiring the attendance of any constable or other officer of any such parish, &c. at such time and place within such county, as shall in such order be expressed; and if any such constable, &c. shall, without sufficient excuse, neglect to appear according to such order, or to return any list which shall have

s. 5.

Overseers of the poor to furnish to constables copies of assessments.

s. 6.

Constables to give notice to parties liable to serve, specifying time, &c. for hearing appeals.

s. 7.

Justices may require attendance of constables, &c.

Penalty for default of constables, &c.

s. 8.

Justices may require new lists, if originals lost, &c.

s. 9.

Constables to verify returns on oath.

Lists amended, and order of watching and warding arranged by justices.

s. 10.

Where number of persons paying poor rates is insufficient, other lists returned, and other persons appointed, &c.

been taken by him under this act, or shall, in making such return, be guilty of any fraud or wilful partiality, or gross neglect, he shall, for every such offence, forfeit a sum not exceeding £20. nor less than 40s. And by s. 8. if any such list of any parish, &c. be lost or destroyed, any 2 justices of the peace for the county within which such parish, &c. is situated, may, at any special or petty sessions, order a new list to be returned to them at such time as they may appoint. And by s. 9. the constables who shall have made any such lists shall, severally, attend and verify the said returns on oath, on such day and at such place as may be appointed; and the justices at any special or petty sessions held for carrying this act into execution, or any two or more of them, shall, after hearing any appeals or claims of exemption, direct such lists to be amended as the case may require, and shall also direct the names of all persons omitted to be inserted; and, after amending said lists, shall appoint such number of inhabitants so liable to execute the said duties of watching and warding, as the said justices shall think necessary, to keep watch in every such parish, &c. every night from sun-set until sun-rise, and also to keep ward during the day-time, (if need in their judgment shall require,) reasonable regard being had to the extent and population of said parish, &c.; and shall also determine and arrange the order, rotation and time in which every person so liable to watching and warding shall undertake the same, and regulate the manner in which said duty shall be performed. Provided (s. 10.) that it shall be lawful for the justices of peace, where it shall appear to them that the number of persons rated to the poor rates in any parish, &c. is not sufficient for the duty of watching and warding, to require any other lists, and to appoint such number of other persons as may appear to them to be necessary to perform said duty; who shall, thereupon, be liable to perform said duty, and subject to all the provisions of this act, as if they had been returned in the lists of the persons rated to the poor; and it shall be lawful for the said justices to allow to such persons such compensation for their services as may appear to them to be reasonable, in like manner as any compensation to persons

sons watching and warding is directed to be paid. And by s. 11. if any person, whose name shall be inserted in any such list, shall think himself aggrieved thereby, or by the omission of any other names, or shall claim to be exempted from serving, he may appeal to the special or petty sessions appointed for hearing such appeals; and the justices present, or any 2 or more of them, may determine the same; and in case such appeals cannot be heard on the day appointed, they may adjourn to any other day or days. By s. 12. it shall be lawful for said justices, at any special or petty sessions, to appoint such number, and of such persons, whether rated or resident in the parish, &c. or not, as to them shall appear proper, to be denominated special constables, who, (in conjunction with, or independent of, the constables for the time being,) or one or more of them, according to the order of said justices, shall direct, &c. all persons keeping watch or ward: provided that the said special constables, and all the said persons so engaged in watching, &c. shall be subject to the general control of the chief constable for the hundred or division in which each parish, &c. is situated; and provided that no person, not resident in the parish, &c. for which he shall be so appointed a special constable, shall be obliged to serve as such against his consent.

s. 11.

Appeal to special or petty sessions.

s. 12.

Special constables appointed at special sessions, to be subject to chief constables.

By s. 13. if it shall appear to the *custos rotulorum*, or sheriff or justices aforesaid, that the circumstances under which they convene any such special general sessions make it advisable that watching and warding should be enforced with as little delay as possible, if the justices at such sessions should deem the execution of the act necessary, it shall be lawful for such *custos rotulorum*, or sheriff or justices, to give notice to the constables, and appoint other special constables, and require lists, and hear appeals, and do all such things, &c. for the more speedy execution of the act, if the special general sessions shall, upon assembling, deem it necessary to put it in force; and all the penalties, &c. in this act shall be applied for enforcing such directions of the *custos rotulorum*, sheriff, or justices aforesaid, as if the special general sessions had adjudged the act to be carried into execution; and, in the mean time, it shall be lawful

s. 13.

Custos rotulorum or sheriff, or justices, who convene such sessions, may take immediate measures for the more speedy execution of the act.

for

2 justices may appoint special constables, and persons willing to watch, &c. until determination of session shall be known.

for any 2 of said justices to appoint special constables for the purpose of watching and warding ; and also to appoint any other persons who may be willing to undertake said duty, until the determination of the special general sessions shall be known ; and to direct the payment of such constables and persons, of compensation in manner directed by this act, as if the provisions thereof were in force under the adjudication of the special general sessions.

s. 14.

Chief constable of hundred to visit every parish, &c. once in each week, and report the manner in which the watching, &c. shall be conducted.

By s. 14. the chief constable of every hundred or division shall, once at least in every week, or as often as said justices shall direct, visit every parish, &c. in which watch and ward shall be carried on under the provisions of this act ; and shall diligently inquire respecting the manner in which the said duties of watching, &c. have been carried into effect within said parishes, &c. and shall make and deliver a faithful report of the same, and of all matters relating to the preservation of the peace, in writing, to the justices of their respective special or petty sessions. By

s. 15.

Penalty for default in those appointed to watch, &c.

s. 15. if any person so appointed to watch or to ward, shall neglect or refuse to appear at such time and place as shall be appointed by the constable or special constable of the parish, &c. for the performance of said duties, or either of them, or shall neglect, &c. to proceed according to the directions of such constable, &c. in the regular and punctual performance of said duty, every person so neglecting, &c. who shall not prove, to the satisfaction of the magistrate, that he was prevented by illness or such other unavoidable accident as shall, in the judgment of the justices, be a sufficient excuse, shall, for every such offence, forfeit any sum not exceeding £10. nor less than 40s. : Provided that the said justices, or any 2 of them, at said special or petty sessions, may exempt from the duty of watching or warding, any man exceeding the age of 50 years, and not occupying lands or tenements of the yearly value of £20. :

2 justices may exempt men exceeding 50 years of age, not having lands, &c. of £20. yearly value.

s. 16.

Proviso as to persons finding sufficient substitutes.

Provided (s. 16.) that no person who shall have found a sufficient substitute, to be approved by said justices, in the said special or petty sessions, or by the chief constable of the hundred or division in which the said parish, &c. shall be situate, and who shall have inrolled the name, age, occupation, and place of abode of such substitute, in the

book

book of the constable, or his lawful deputy, within the said parish, &c. shall be liable to any such forfeiture; but every such substitute so appearing and being inrolled, shall be subject to the same duties, and also to the same penalties for neglecting, &c. to execute the same, or obey such authorities, as if he had been personally subject to keep watch and ward; unless he shall give notice, in writing, of his intention to withdraw his service as a substitute, both to said constable and his said employer, at least 2 days before the time when his services would become necessary, according to the rotation established within said parish, &c.

Substitute shall give 2 days' notice of withdrawing.

By s. 17. the constables of parishes, townships, or places, shall, at the expense of the same, provide rattles, staves, lanterns, and such weapons, arms, and accoutrements, as the said justices shall, at their said special or petty sessions, direct, for the use of every person so keeping watch or ward; such arms, &c. to be returned by every person undertaking said duty, to the special or other constable of the watch, as soon as any such person shall cease to be employed in said duties; and shall also provide, at the like expense of said parish, &c. such watch-houses, or other accommodations or conveniencies, as said justices shall, in like manner, adjudge necessary or expedient; and a such expenses shall be paid out of the poor rates of each parish or township, or of the several parishes, &c. if more than one, and shall be raised in such proportions as shall be settled by the justices at special or petty sessions; subject, nevertheless, to revision and alteration by the justices assembled at the next or any subsequent special general sessions, in case any parish shall think the proportions are not properly regulated by the justices at such special or petty sessions.

s. 17.

Constables shall provide rattles staves, lanterns &c. and also watch-houses, &

Expenses paid out of poor rates of each parish, &c.

By s. 18. every person so appointed to watch or to ward, shall, during his time of watching or warding, to the utmost of his power, endeavour to prevent all murders, burglaries, robberies, affrays, and all felonies, outrages, and disorders; and, for that end, is hereby authorized to arrest and apprehend all night-walkers, malefactors, rogues, vagabonds, and other loose, idle, disorderly and suspicious persons, who shall be found within the precincts or any part of his said parish, &c. and deliver such persons

s. 18.

Duties of persons watching or warding.

s. 19.
Persons watch-
ing, &c. to as-
sist each other.

In what cases
only they shall
leave their stand
or walk.

s. 20.
Every constable
or special con-
stable shall make
regular entries
in respect to the
attendance and
conduct of those
watching, &c.

And make week-
ly reports to the
chief constable.

sons, so soon as conveniently may be, to the constable, or to some one of the special constables for the said parish, &c. at the watch house, or, if there be no watch house, at such other house or place of security as may be appointed for the reception and detention of such suspicious persons, &c. by the constable of said parish, &c. until they can be conveniently carried before some or one of his majesty's justices of the peace acting for the county in which such parish, &c. is situated. And by s. 19. in case any one or more of the persons so keeping watch or ward shall want any assistance to enable him or them to perform any part of the duty hereby required to be done, then any other of the persons keeping watch, &c. in the same or any adjoining parish, &c. having knowledge or notice thereof by the rattle, or by any other signal, outcry, or otherwise, shall immediately repair to, and assist, by the best means in their power, as the case may require; but no person during the time of keeping watch, &c. shall absent himself from his particular stand or walk, without the consent and direction either of the constable or special constable of the night, unless on some such occasion as is above expressed, or for the suppression of some disorder of which he shall be an eye or ear witness on some adjoining stand, &c. in the absence of the persons keeping watch, &c. in such adjoining walk, &c. nor longer than the necessity of the case may require. And by s. 20. every constable or special constable so entrusted as aforesaid with the direction, &c. of such persons as may be required to perform the duties of watching, &c. shall, on every night of such watching, and on every day of such warding, diligently observe and examine the behaviour of every person so employed in watching, &c.; and shall enter in a book to be kept for this purpose, the name of every such person, with the hours of his attendance, and with remarks upon his conduct, specifying whether he has been attentive and diligent, or disobedient and remiss in the duty of watching, &c.; and such constable shall, once in every week, or oftener if required, deliver such book, containing such report, and such other observations as may arise in the discharge of his duty, to the chief constable of the hundred

or

or division in which such parish, &c. is situated, or to such person as the said justices in such special or petty sessions shall appoint to receive the same.

By s. 21. the magistrates of any city, borough, town or place, having exclusive jurisdiction as justices of peace for the preservation thereof within their respective cities, &c. shall have power to carry this act into execution within their respective jurisdictions; and it shall be lawful for any 2 magistrates to make any adjudication or order, or to do any thing for which any greater number of justices is required by the provisions of this act, as to any county; and it shall be lawful for the town clerk of any such city, &c. if there shall be any such officer therein, or, if there shall be no such officer, for any person appointed by the magistrates in that behalf, to give any notice required to be given by the clerk of the peace for assembling any special general sessions; and all the clauses, &c. in this act as to any counties, and justices acting in any counties, and as to carrying this act into execution within any county, shall extend to all cities, &c. the magistrates whereof have exclusive jurisdiction, as justices of peace. Provided (s. 22.) that in every case in which the expenses attending the police or preservation of the peace in any city, &c. within any county, shall have been paid out of any rate or assessment made in such city, &c. distinct from any rate levied on the county, although the magistrates in such city, &c. shall not have any exclusive jurisdiction as justices of peace, it shall be lawful for the magistrates and justices of peace within such city, &c. to carry this act into execution within such city, &c. and to regulate the payment of all expenses arising therefrom, separate from the county within which such city, &c. shall be situate; and no city, town or place, or parish therein, in which any such rate, &c. shall have been raised, &c. for the carrying this act into execution, or in which the expense of carrying this act into execution shall have been paid out of the poor or other rates raised in the parishes of such city, &c. shall be liable to contribute to the raising of any rate for the county at large for the carrying this act into execution, nor shall any such rates be levied in any parish or part of any such city, &c.

s. 21.

Magistrates in cities, &c. to carry this act into execution.

Town-clerks, &c. to give notices.

s. 22.

Where city, &c. shall be distinctly rated for the preservation of the peace, magistrates thereof shall regulate the payment of the expenses, separate from the county, &c.

&c. beyond the local limits wherein the duties of watch and ward shall be performed under the provisions of this act.

s. 23.

The clauses in relation to constables to extend to head boroughs, &c.

By s. 23. all powers, provisions, &c. in this act contained in relation to constables, shall extend to every head-borough, borsholder, tythingman, or other officer performing the duty of constable, by whatever name such officer may be called. And by s. 24. all the provisions in this act in

s. 24.

The provisions in respect to counties to extend to ridings or divisions; and extra-parochial places may be added to parishes.

relation to any county, shall extend to any riding or division within or for which separate general or quarter sessions are held; and it shall be lawful for the justices of peace in any county, city, &c. to add any extra-parochial place to any parish for the purposes of this act; and all constables and special constables, and other officers having the authority of constables, shall have full power in any such extra-parochial place; and where there shall be no rates levied in any such extra-parochial places, either for the payment of any expenses of police, or preservation of the peace, or for relief of the poor, out of which any of the expenses of putting this act into execution can be paid, it shall be lawful for said justices to cause rates to be made and levied in such extra-parochial places for the payment of such expenses, so that such extra-parochial places shall bear their fair proportion of expense with the parish or parishes to which they shall be added; and all constables shall make and collect such rates, and shall have the like powers for the assessing, rating, levying and collecting the same, as any overseers of the poor have for the making and levying any rate for the relief of the poor.

s. 25.

Constables may apprehend offenders escaping upon pursuit, although out of their jurisdiction.

By s. 25. it shall be lawful for any constable or special constable in any case in which any offender against this act shall, upon pursuit, escape out of his jurisdiction, to apprehend such offender at any place, although out of his jurisdiction, and to exercise all such authorities and enjoy all privileges in relation to the arrest of such offender, as if he had been apprehended within his jurisdiction. By

s. 26.

Justices at special general sessions to settle compensation for constables, &c.

s. 26. every person watching, &c. in the capacity of such special constable, shall, for every night and for every day he shall be so engaged, receive such compensation or allowance as the justices of peace, at any special general sessions so held, as before mentioned, shall direct; and

and every other person engaged in so watching, &c. shall (if his behaviour be satisfactory to the constable or special constable of the watch of that parish in which he resides) be entitled to receive such sum as the justices at said sessions shall direct, &c ; to be paid, forthwith, by the constable of the parish, and re-paid to the constable by the overseer of the poor of said parish, on being entered in a book by such constable, and delivered to such overseer of the poor, after having been verified on oath before a justice of peace for said respective counties, and certified in writing by such justice, as having been so verified upon oath, and as having been examined and allowed by said justice : Provided that any person from whom any compensation for watching, &c. shall have been so withheld by any constable, may appeal to any justice of peace for the county in which such complaint arose, whose decision shall be conclusive. By s. 27. it shall be lawful for the magistrates or justices in any county, city, &c. in which any disturbances against the peace shall prevail or be apprehended, and in which any number of persons shall, with the approbation of the majority of such magistrates assembled at any special general session of the peace within such county, city, &c. have voluntarily assembled for the purpose of watching and warding, and shall watch, &c. under such regulations as shall be approved by such magistrates as aforesaid, to allow to the persons so watching, &c. (although such watch, &c. shall not be carried on under the provisions of this act,) such compensation for their time as shall appear to such magistrates to be reasonable, out of any rate or assessment levied on such county, &c. for the police thereof, or out of the poor or other rates of the several or any of the parishes thereof, in such proportions as shall appear to them to be proper ; and in such case it shall be lawful for the persons authorized to assess and levy such rates, to raise any money necessary for paying such compensation, by all such powers, &c. as by law authorized for raising the rates out of which such compensations are by this act made payable.

Constables to pay those watching, &c. and to be repaid by overseer of the poor.

s. 27.

Justices, &c. may make compensation to persons voluntarily watching, &c.

By s. 28. if any person shall assault or resist any person watching or warding, whilst in the execution of his office,

s. 28.

Assaulting, &c. any person.

*watching, &c.
how punished,*

*s. 29.
Penalty on vic-
tuallers, &c.
harbouring per-
sons watching,
&c.*

*s. 30.
Any 2 justices,
upon informa-
tion on oath, may
apprehend
suspected dan-
gerous to the
peace of the
place, and ex-
amine them on
oath, &c.*

*Examination
transmitted to
general or quar-
ter sessions.*

or shall promote or encourage the same, he shall, upon conviction before a magistrate, forfeit any sum not exceeding £20. and shall be also liable to such other punishment upon conviction, on any indictment or information for such offence, as any persons are liable to for assaulting any constable in the execution of his office. And by s. 29. if any victualler, or keeper of any public house, shall knowingly harbour or entertain, or permit any person so engaged in watching, &c. to abide or remain in his house drinking or tippling at the hours and times directed for watching, &c. he shall for the first offence forfeit 40s. and for the second offence £5. and for the third and every subsequent offence £10. And this act (s. 30.) recites, that divers ill disposed and suspected persons resort to towns and villages, &c. and, although their evil purposes are sufficiently manifested, justices of peace have no effectual means of removing them; and therefore enacts, that it shall be lawful for any 2 justices of peace, upon information on oath by any constable, or other credible witness, that any person not being a householder of the place, nor legally settled therein, nor a native thereof, is, in the belief of such constable, &c. dangerous to the peace of the place where he is resorting, or that he is endeavouring to seduce others to aid and abet disturbances therein, or in other places, to issue a warrant to apprehend such person, and to cause such person to come before them, and to examine such person upon oath as to the parish or place where he was last legally settled, and the place or places where he has resided for some time past, and as to his means of livelihood, and his occupation and employment, and mode of living, and reason for resorting to the place where he is so found; and the substance of such examination shall be reduced to writing, and signed by such justices, and by the person so examined, and shall be transmitted to the next general or quarter sessions of the peace for the county, there to be filed, &c.; and if such person shall not be able to give a satisfactory account of himself, &c. and it shall appear to the satisfaction of said justices, upon any such examination, or upon the examination on oath of the constable or other credible witness, (which oaths

oaths said justices may administer) that there is just ground to believe that the person so apprehended is engaged in practices dangerous to the public peace, then it shall be lawful for said justices to order such person forthwith to return, or, if he shall refuse to obey such order, to remove such person to the place of his legal settlement, if the same can be ascertained, or, if not, to the place where he shall have last resided, in like manner as any vagrants may now by law be removed; and if any such person shall, after any such order to return to the place of his settlement or residence, or removal to such place as aforesaid, return to the place from which he shall have been so sent, &c. without shewing sufficient cause to be approved of by said justices, or if such person shall, upon his examination, refuse to answer; or if the account which he has given of himself shall prove to be false, it shall be lawful for any 2 justices to adjudge such person to be a rogue and vagabond within the meaning of the 17 Geo. 2. c. 5. And by s. 31. it shall be lawful for any 2 justices of the peace to require the constables in any parish or place to make out and deliver to them, within such time as shall be required by such justices, and as often as the said justices shall deem the same to be necessary, true lists of all persons usually residing or then being within the parish in which the list shall be required, above the age of 14; and it shall be lawful for any such constable to demand from each householder within the parish, a true list or account of the christian and surname of every person then in the house of such householder, above the age of 14 years; and every person who shall neglect or refuse, on the same being demanded, to give such list, &c. to the constable, or who shall, knowingly, give any false account, shall forfeit any sum not exceeding £5.; and any constable who shall neglect, &c. to make out and deliver such list to the justices who shall demand the same, shall forfeit any sum not exceeding £10. Provided (s. 32.) that if any person shall think himself aggrieved by the judgment of such justices, such person may appeal to the justices of peace at the next general or quarter sessions to be held for the county or place wherein the cause of complaint shall

Justices may remove such person to the place of his legal settlement, or last residence.

Such person returning, refusing to answer, or giving a false account of himself, adjudged a rogue and a vagabond.

s. 31.

Any 2 justices may require constables to return lists of persons above the age of 14 years residing in any parish, &c.

s. 32.

Proceedings upon appeal to general or quarter sessions from judgment of justices.

shall have arisen, such person, at the time of such judgment, entering into a recognizance personally to appear at said sessions to try such appeal, and to abide the further judgment of the justices at such sessions : provided that the appeal shall not prevent the execution of such judgment, unless the party appealing shall produce 2 sufficient sureties, being householders of the parish in which he was apprehended, who shall enter into a recognizance, in such amount as the said magistrates shall approve, to prosecute such appeal, and for the good behaviour of such person until the time of hearing said appeal. By s. 33. any person guilty of any offence for which any pecuniary penalty may be incurred by this act, shall and may be convicted thereof, by information upon the oath of a credible witness, by any one or more justices of the peace acting in and for the county, wherein such offence shall be committed ; and such penalties shall and may be levied by [*distress,] under the hand and seal of any justice or justices of the peace for the county in which such offence was committed, or where the forfeiture was incurred ; and shall, when levied, be paid, one moiety to the informer, and the other to the poor of the parish in which the offence was committed ; and, in case of no sufficient distress, such justice or justices may commit such offender to the common gaol or house of correction to hard labour, for such time not exceeding 3 months, as said justice, &c. shall think fit. By s. 34. the justices, &c. shall cause every conviction to be drawn up in the form, or to the effect specified in the schedule to this act, and marked (B.) ; and shall cause the same to be fairly written on parchment, and transmitted to the next general quarter sessions, to be kept among the records of said court : and any person convicted of any of the offences punishable by this act, may appeal to any general quarter sessions of the peace next holden after such conviction in and for said respective counties, giving unto the justice, &c. before whom such conviction shall be made, notice in writing, within 8 days after any such conviction, of his intention to prefer such appeal ; and the said justices, in

s. 33.

*Penalties under
this act how
recovered and
applied.*

s. 34.

*Convictions how
drawn up, &c.*

*Proceeding up-
on appeal from
conviction.*

* The words "by distress" should, it seems, be "by warrant."

in their said general quarter sessions, shall proceed to the hearing and final determination of such appeal, and make such order therein, and award such costs to be paid by and to either party, not exceeding 40s. as they shall think fit; which order shall be conclusive on all parties; and such appeal, or the subject matter thereof, or any order therein, shall not be removed by *certiorari* or otherwise.

By s. 35. the justices of peace, at any adjournment of their said special general sessions, or at any future general special sessions convened or assembled in like manner as is herein-before mentioned, may suspend or discontinue the powers and provisions of this act, in any or every of the parishes, townships or places, within their respective jurisdictions; whenever it shall appear to them, upon sufficient evidence, that the disturbance of the peace within such parishes, &c. shall have effectually subsided or been suppressed, and that the officers ordinarily appointed for the preservation of the peace are sufficient for that purpose, as well as for the protection of the inhabitants therein, and the security of the property in any or every of said parishes, &c.; and shall, thereupon, give notice thereof to the secretary of state for the home department. By

s. 35.

Justices at special general sessions, &c. may suspend the execution of this act, when disturbances subside, &c.

s. 36. no person who shall be engaged or employed as a special constable or watchman, for the purposes of this act, shall thereby gain a legal settlement in any parish, &c.

s. 36.

No settlement gained by acting as special constable, or watching, &c.

And by s. 37. nothing in this act shall affect any jurisdiction right or privilege, claim or custom, of the universities of Oxford or Cambridge. By s. 38. any action or suit which shall be brought for any thing done in pursuance of this act, shall be commenced within 3 months after the fact committed, and shall be laid and brought in the county wherein the alleged cause of action shall have occurred; and the defendant may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance, &c. of this act; and if it shall appear to be so done, or if any such action, &c. shall be brought after the time so limited for bringing the same, or shall be brought in any other county, city or place, then the jury shall find for the defendant; and upon such verdict, or if the plaintiff shall become

s. 37.

Privileges of universities of Oxford and Cambridge saved

s. 38.

Pleading, &c. in actions brought for any thing done under this act.

nonsuited.

s. 39.
Public act.

s. 40.
Act altered, &c.
during session.

s. 41.
Continuance of
act.

57 Geo. 3. c. 38.

nonsuited, or discontinue his action, or if a verdict shall pass against the plaintiff, the defendant shall recover treble costs. By s. 39. this act shall be deemed to be a public act. And it was provided (s. 40.) that it might be altered or repealed during the sessions. By s. 41. this act was to continue in force until 1st. March, 1814; but was afterwards revived and continued until 15th June, 1817, by the 56 Geo. 3. c. 131. and has been since continued until 15th June, 1818, by the 57 Geo. 3. c. 38.

Schedules to which the 52 Geo. 3. c. 17. refers.

Schedule (A.) Watching and Warding.

Notice to persons appointed to watch, &c.

“Take notice that your name is inserted in the list; and
“appeals will be heard on the day of
“at A. B. Constable.”

Schedule (B.)

Form of conviction.

“Be it remembered, that on this day of
“in the year of the reign of his present majesty,
“A. B. of is duly convicted before me [or us]
“one of the justices [or two of the justices] of the peace
“for the under an act passed in the fifty-second
“year of the reign of his present majesty, intituled “An
“act for the more effectual preservation of the peace by
“enforcing the duties of watching and warding, until the
“first day of March, one thousand eight hundred and
“fourteen, in places where disturbances prevail or are
“apprehended,” for that the said A. B. on
“at did contrary to the said act
“wherefore I [or we] the said do adjudge that
“ Given under

No meeting of more than 50 persons (except county meetings &c.) to be held on grievances in church or state, unless notice be given in newspaper, signed by 7 householders resident within the county, &c.
57 Geo. 3. c. 19.
G. B.

Though some of the clauses (to s. 22. inclusive) of the following statute (57 Geo. 3. c. 19. G. B.) are of a temporary nature, it seems to be proper to abridge the whole of the act in this place, as occasions may unfortunately arise to require that they should again be brought into operation. This statute recites, that assemblies of persons collected for the purpose, or under the pretext of deliberating on public grievances, and of agreeing on petitions, complaints, remonstrances, declarations, or other addresses to his royal highness the prince regent, or to both houses
or

or either house of parliament, have of late been made use of to serve the ends of factious and seditious persons, to the great danger and disturbance of the public peace, have produced acts of riot, tumult and disorder, and may become the means of producing confusion and calamities in the nation; and therefore enacts, that no meeting of any description of persons, exceeding the number of fifty, (other than any meeting of any county, riding or division, called by the lord lieutenant, *custos rotulorum*, or sheriff of such county, or a meeting called by the convener of any county or stewartry in Scotland, or any meeting called by 2 or more justices of peace of the county or place where such meeting shall be holden, or any meeting of any county having different ridings or divisions, called by any 2 justices of any one or more of such ridings, &c. or any meeting called by the major part of the grand jury of the county, or division of the county where such meeting shall be holden, at their general assizes, or general quarter sessions of the peace, or any meeting of any city, or borough or town corporate, called by the mayor or other head officer of such city, &c. or any meeting of any ward or division of any city called by the alderman or other head officer of such ward or division, or any meeting of any corporate body,) shall be holden for the purpose, or on the pretext of considering of or preparing any petition, complaint, remonstrance, or declaration, or other address to the king or prince regent, or both houses or either house of parliament, for alteration of matters established in church or state, or for the purpose or on the pretext of deliberating upon any grievance in church or state, unless notice of the intention to hold such meeting, and of the time and place of holding the same, and of the purpose for which it is to be holden, shall be given, in the names of 7 persons at the least, being house holders resident within the county, city, or place where such meeting shall be proposed to be holden, whose places of abode and descriptions shall be inserted in such notice, and which notice shall be given by public advertisement in some public newspaper, usually circulated in the county and division where such meeting shall be holden, 5 days at the least before such meeting shall be holden,

Notice and authority produced to a justice of peace within 14 days, if required.

Penalty for inserting notice in newspaper without such authority.

s. 2.

Notice may be given to clerk of the peace, who shall send copy to justices.

holden, or shall be delivered in manner herein-after mentioned; and such notice shall not be inserted in any such newspaper, unless the authority to insert it shall be signed by 7 persons at the least, being householders resident within the county, &c. where such meeting is to be holden, and named in such notice, and unless such authority so signed shall be written at the foot of a true copy of such notice, and shall be delivered to the person required to insert the same in any such newspaper, which person shall cause such notice and authority to be carefully preserved, and shall also, at any time after such notice shall have been inserted in such paper, and within 14 days after the day on which such meeting shall be had, produce such notice and authority, and cause a true copy thereof (if required) to be delivered to any justice of peace for the county, &c. where such person shall reside, or where such newspaper shall be printed, and who shall require the same; and in case any person shall insert any such notice in any newspaper without such authority as aforesaid, or in case any person to whom any such notice and authority shall have been delivered, for the purpose of inserting such notice in any such newspaper, shall refuse to produce such notice and authority, or to deliver a true copy thereof, being thereunto required as aforesaid, within 3 days after such production and copy, or either of them, shall have been so required, every such person, for every such offence, shall forfeit £50. to any person who shall sue for the same. Provided, (s. 2.) that it shall be lawful to deliver any such notice as aforesaid, signed by the 7 persons in whose names such notice shall be given, with their places of abode and description, 5 days at least before the day of such meeting, to the clerk of the peace of the county, riding or division, within which such meeting shall be proposed to be holden; and such notice shall be as effectual as if the same had been given by public advertisement as aforesaid; and such clerk of the peace shall, forthwith, send a true copy of such notice, with such signatures and additions, to 3 justices of the peace at least, of such county, &c. or in case the justices of the city, borough or town, where such meeting shall be proposed to be holden, shall have exclusive

exclusive jurisdiction, then to 3 of such justices, if so many shall then be resident within such jurisdiction, and if not, then to so many of such justices as shall be so resident.

And by s. 3. all meetings of any description of persons, exceeding 50 persons, except as aforesaid, which shall be holden without such previous notice as aforesaid, for the purpose or on the pretext of considering of or preparing

s. 3.

Such meetings without notice deemed unlawful assemblies.

any petition, complaint, remonstrance, declaration or other address to the king or prince regent, or both houses or either house of parliament, for alteration of matters established in church or state, or for the purpose, &c. of deliberating on any grievance in church or state, shall be deemed to be unlawful assemblies. By s. 4. it shall not

s. 4.

Such meetings must be held on the day specified in notice, without adjournment.

be lawful to adjourn any meeting that shall be holden under such previous notice, to any time after the day specified in such notice for holding the same, or to any other place than that at which such meeting shall be first holden in pursuance of such previous notice; and any meeting of any description of persons, exceeding fifty, (except as aforesaid) which shall be holden by way of or under pretence of being an adjourned meeting, for the purpose of or on the pretext of considering or preparing any petition, &c. (as in s. 3. *supra*) shall be deemed to be an unlawful assembly. And by s. 5. if any persons, exceeding 50 per-

s. 5.

Persons so unlawfully assembled, and not dispersing upon proclamation of sheriff, &c. or magistrate, guilty of a capital felony; if 12 so remain for one hour.

sons, shall be assembled contrary to the provisions hereinbefore contained, any one justice of the peace, (or more) or the sheriff of the county in which such assembly shall be, or his under sheriff, or the mayor or other head officer, or justice of peace or magistrate, of any city or town corporate where such assembly shall be, shall, by proclamation to be made in the king's name, in the form herein-

after directed, make or cause to be made proclamation in the king's name, to command all persons there assembled to disperse themselves, and peaceably to depart to their habitations, or to their lawful business; and if any persons shall, to the number of 12 or more, remain or continue together for one hour after such proclamation made, they shall be adjudged guilty of felony without benefit of clergy. And by s. 6. the order and form of the proclamation shall be as follows; viz. the justice of peace or other per-

s. 6.

Form of proclamation.

son, or one of the justices of peace, or of the other persons authorized by this act to make the said proclamation, shall, among the said persons assembled, or as near to them as he can safely come, with a loud voice, command or cause to be commanded silence to be while proclamation is making; and after that shall openly, and with loud voice, make or cause to be made proclamation in these words, or like in effect: "Our sovereign lord the king chargeth and com-
 "mandeth all persons here assembled immediately to dis-
 "perse themselves, and peaceably to depart to their habi-
 "tations, or to their lawful business, upon pain of death.
 "God save the king."

s. 7.

Meetings in like manner disposed by proclamation, where notices purport an alteration of law without authority of parliament, &c.

By s. 7. in case any meeting shall be holden in pursuance of any such notice as aforesaid, and such notice, or any matter in such notice proposed to be propounded or deliberated upon at such meeting, shall express or purport that any matter by law established may be altered otherwise than by the authority of the king, lords and commons, in parliament assembled, or such notice, or any matter therein contained, shall tend to incite or stir up the people to hatred or contempt of the person of the king, or of the government and constitution of this realm as by law established, it shall be lawful for one justice of the peace, (or more,) or the sheriff of the county where such meeting shall be, or his under sheriff, or for the mayor, &c. or magistrate of any city, &c. where any such meeting shall be, by proclamation in the king's name, in manner herein-before set forth, to command the persons there assembled to disperse themselves, and peaceably to depart to their habitations, or to their lawful business; and if any persons being so commanded, &c. shall, to the number of 12 or more, remain or continue together by the space of one hour after such proclamation made, such continuing together shall be adjudged felony without benefit of clergy.

Persons remaining to the number of 12 guilty capitally.

s. 8.

If magistrate or sheriff is obstructed in arresting any person propounding alterations in the laws without authority of parliament, &c. meeting dispersed by proclamation.

By s. 8. if any justice of peace, or the sheriff or under-sheriff of the county, present at any meeting therein requiring such notice as aforesaid, or the mayor, &c. or magistrate of any city, &c. present at any meeting therein requiring such notice as aforesaid, shall order any person, who shall at such meeting propound or maintain any proposition for altering any thing by

by law established otherwise than by the authority of the king, lords and commons, in parliament assembled, or shall wilfully and advisedly make any proposition, or hold any discourse for the purpose of inciting and stirring up the people to hatred or contempt of the person of the king, or the government and constitution of this realm, &c. to be taken into custody, then, and in case the said justice, &c. or any peace officer acting under their or any of their orders, shall be obstructed in taking any such person into custody, it shall be lawful for such justice, &c. thereupon, to make or cause to be made such proclamation in manner aforesaid; and if any persons to the number of 12 or more shall remain together, &c. by the space of one hour after proclamation made, such continuing together shall be adjudged felony without benefit of clergy. By s. 9.

every justice of peace, sheriff, under-sheriff, mayor and other head officer, and magistrate, is empowered, on notice or knowledge of any such meeting, to resort to the place where it shall be intended to be holden, or to any part thereof, and there to do or order, or cause to be done, all such acts as the case may require, which they are hereby, or otherwise by law, enabled to do or order; and it shall be lawful for all justices of peace, &c. to take and require the assistance of any number of constables or other officers of the peace, within their respective districts, or within the district or place wherein every such meeting shall be holden. And by s. 10. if such persons so assembled, or

12 or more of them, after proclamation made as aforesaid, shall continue together, and not disperse themselves within one hour, then it shall be lawful for every justice of peace, sheriff, or under-sheriff of the county, and also for every constable, and other peace officer within such county, and for every mayor, justice of peace, head officer, magistrate, constable, and other peace officer of any city or town corporate where such assembly shall be, and for such other persons as shall be commanded to be assisting unto any such justice of peace, sheriff, or under-sheriff, mayor, head officer and magistrate, (who are hereby authorized to command all his majesty's subjects, of age and ability, to be assisting to them therein,) to seize and apprehend

s. 9.

Sheriffs and magistrates may resort to such meetings accompanied by constables, &c.

s. 10.

All persons of age and ability shall assist in apprehending persons continuing together after proclamation, &c.

Justices, &c. indemnified in case of killing or maiming.

s. 11.

Obstructing justices, &c. in making proclamation, &c. or continuing together one hour after such obstruction, or obstructing justices, &c. in apprehending offenders, a capital felony.

apprehend, and they are hereby required to seize and apprehend such persons so assembled and continuing together after proclamation made as aforesaid, and forthwith to carry them before one or more of his majesty's justices of peace of the county or place where they shall be so apprehended, in order to their being proceeded against according to law ; and if the persons so assembled, or any of them, shall be killed, maimed, or hurt, in the dispersing, seizing, or apprehending, or endeavouring to disperse, &c. them, every such justice of peace, &c. and all persons being aiding and assisting to them, shall be free, discharged and indemnified, as well against the king, as against every other person, for or concerning such killing, &c. And by s. 11. if any person shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder or hurt, any justice of peace or other person authorized as aforesaid, who shall attend any such meeting, or who shall be going to attend any such meeting, or any person who shall begin to proclaim, or go to proclaim, according to any proclamation hereby directed to be made, whereby such proclamation shall not be made, he shall be adjudged guilty of felony without benefit of clergy ; and every such person or persons so being assembled as aforesaid to the number of 50 or more, to whom such proclamation should or ought to have been made, if the same had not been so hindered, shall likewise, in case any of them, to the number of 12 or more, shall continue together and not disperse themselves within one hour after such let or hindrance so made, having knowledge of such let, &c. be adjudged guilty of felony without benefit of clergy ; and if any person being at any such assembly shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any justice of peace or other magistrate, or any peace officer, in apprehending or taking into custody, in execution of any of the provisions herein before contained, any person, or endeavouring so to do, every such opposing, &c. shall be adjudged felony without benefit of clergy. By s. 12. the sheriffs depute and their substitutes, stewards depute and their substitutes, justices

s. 12.

Sheriffs depute, &c. in Scotland

justices of peace, magistrates of royal boroughs, and all other inferior judges and magistrates, and also all high and petty constables, or other peace officers of any county, stewartry, city, or town, within Scotland, shall have the same powers for putting this act in execution within Scotland, as the magistrates and constables aforesaid have by virtue of this act within other parts of this kingdom; and every person who shall be convicted of any of the felonies afore-mentioned, within Scotland, shall suffer death and confiscation of moveables. By s. 13. nothing herein shall render lawful any notice, or the act of giving or publishing any notice, according to the provisions herein-before contained, which notice or act would have been contrary to law, if this act had not been made.

to have the same powers as magistrates in England.

s. 13.

Notices not to be contrary to law.

This act also recites (s. 14.) that divers places have of late been used for delivering lectures or discourses, and holding debates, which lectures, &c. have been of a seditious and immoral nature; and therefore enacts, that every house, room, field, or other place, at or in which any lecture or discourse shall be publicly delivered, or any public debate shall be had, on any subject whatever, for the purpose of raising or collecting money, or any other valuable thing, from the persons admitted, or to which any person shall be admitted by payment of money, or by any ticket or token of any kind delivered in consideration of money, or any other valuable thing, or in consequence of paying or giving, or having paid or given, or having agreed to pay or give, in any manner, any money, &c. or where any money, &c. shall be received from any person admitted, either under pretence of paying for any refreshment or other thing, or under any other pretence, or for any other cause, or by means of any device or contrivance whatever, shall be deemed a disorderly house or place, unless the same shall have been previously licensed in manner herein-after mentioned; and the person by whom such house, &c. shall be opened or used, for any of the purposes aforesaid, shall forfeit £100. for every day or time that such house, &c. shall be so opened, &c. to such person as will sue for the same, and be otherwise punished as the law directs in cases of disorderly houses;

s. 14.

Places for lectures or debates &c. deemed disorderly, unless licensed.

Penalty for opening such places, or debating, &c. therein.

and

and every person managing or conducting the proceedings, or acting as moderator, president, or chairman at such house, &c. so opened, &c. or therein debating, or delivering any discourse or lecture, and also every person who shall pay, give, collect, or receive, or agree to pay, &c. any money, or any thing, for or in respect of the admission of any person into any such house, &c. or shall deliver out, distribute, or receive any such ticket or token as aforesaid, knowing such house, &c. to be opened, &c. for any such purpose as aforesaid, shall for every such offence, forfeit £20. And by s. 15. any person who shall act or be-

s. 15.
*Persons acting
as masters, &c.
punishable tho'
not real owners,
&c.*

have him or herself, as master or mistress, or as the person having the command, government, or management of any such house, &c. shall be deemed to be a person by whom the same is opened, &c. as aforesaid, and shall be liable to be sued or prosecuted, and punished as such, notwithstanding he or she be not the real owner or occupier thereof. By s. 16. it shall be lawful for any justice of

s. 16.
*Magistrates
may demand
admission to
unlicensed
places.*

peace of any county, stewartry, city, borough, town or place, who shall, by information upon oath, have reason to suspect that any house, &c. or any parts or part thereof, are or is opened, &c. for the purpose of delivering lectures or discourses, or for public debate, contrary to the provisions of this act, to go to such house, &c. and demand to be admitted therein; and in case such justice shall be refused admittance to such house, &c. or any part thereof, the same shall be deemed a disorderly house or place within the meaning of this act; and all the provisions herein-before

*Penalty for re-
fusal.*

contained respecting any house, &c. declared to be disorderly, shall be applied to such house, &c. and every person refusing such admittance shall forfeit £20. Provided (s. 17.)

s. 17.
*Licenses how
granted and
revoked.*

that it shall be lawful for 2 or more justices of peace for the county, &c. where any house, &c. shall be intended to be opened for any of the purposes aforesaid, by writing under their hands and seals, at their general quarter or general sessions of the peace, or at any special session to be held for the particular purpose, to grant a license to any person or persons desiring the same, to open such house, &c. for the purpose of delivering for money any such lectures or discourses as aforesaid, or for the purpose

of

of holding debates on any subjects, the same being clearly expressed in such license, (for which license a fee of 1s. shall be paid,) and the same shall be in force for one year, or for any less time therein to be specified; and it shall be lawful for the justices of peace of the same county, &c. at any general quarter or general sessions, to revoke such license by their order; a copy whereof shall be delivered to or served upon the person to whom the said license so revoked shall have been granted, or shall be left at the house, room, or building for which such license shall have been granted; and thereupon such licence shall cease and be void. And provided (s. 18.) that it shall be lawful for any justice of peace of any county, &c. where any such house, &c. shall be so licensed, to go to such house, &c. at the time of delivering any such lecture or discourse, or of holding any debate therein, or at the time appointed for delivering any such lecture, &c. and demand to be admitted therein; and in case he shall be refused admittance to such house, &c. the same shall be deemed (notwithstanding any such license) a disorderly house or place within the meaning of this act: and all the provisions herein-before contained respecting any house, &c. declared to be disorderly shall be applied to such house; and every person refusing such admittance shall forfeit £20. to any person who shall sue for the same. And by s. 19. it shall be lawful for any 2 justices of peace, acting for any county, &c. upon evidence on oath that any house, &c. so licensed and opened is commonly used for the purpose of delivering there lectures or discourses of a seditious or immoral tendency, to adjudge and declare the license for opening the same to have been forfeited. Provided (s. 20.) that nothing in this act shall extend to any lecture or discourses to be delivered in any of the universities of these kingdoms by any member thereof, or any person authorized by the chancellor, vice chancellor, or other proper officers of such universities; or to any lecture or discourse to be delivered in the public hall of any of the inns of court or chancery, by any person authorized by the benchers of the inns of court, or by the professors in Gresham college; or to the professors in the college established for the education of the civil servants of the East India company, or the

s. 18.

*Magistrates to be admitted to hear debates, &c.**Penalty for refusal.*

s. 19.

License forfeited in case of seditious or immoral lectures.

s. 20.

Lectures at the universities, &c. excepted.

the seminaries established for the education of their military service, or to any society or body of men incorporated or established by royal charter, or by authority of parliament; and no payment made to any schoolmaster or other person by law allowed to teach and instruct youth, in respect of any lectures or discourses delivered by such schoolmaster, &c. for the instruction only of such youth as shall be committed to his instruction, shall be deemed a payment of money for admission to such lectures, &c. within the meaning of this act.

s. 21.

*Prosecutions
commenced
within 6 months,
&c.*

By s. 21. no person shall be prosecuted by virtue of this act, for any thing done contrary to the provisions hereinbefore contained, unless such prosecution shall be commenced within 6 calendar months after the offence committed.

s. 22.

*Commencement
and duration of
foregoing provisions.*

And by s. 22. all the provisions hereinbefore contained shall commence and have effect within the city of London, and within 20 miles thereof, from the day next after the day of passing this act, (March 31, 1817) ; and shall commence, &c. within all other parts of this kingdom, from the expiration of 7 days next after the day of passing this act ; and shall continue in force until the 24th day of July, 1818.

s. 23.

*No meetings in
Westminster or
county of Middlesex, within a
mile of Westminster-hall,
(except, &c.) to
prepare petitions
for alteration of
matters in
church or state,
while parliament or courts
are sitting, &c.*

And whereas it is inexpedient that public meetings or assemblies should be held near the houses of parliament, or near the courts of justice in Westminster hall, on such days as are herein-after mentioned, this statute therefore enacts (s. 23.) that it shall not be lawful for any person or persons to convene or call together, or to give any notice for convening, &c. any meeting consisting of more than 50 persons, or for any number of persons, exceeding 50, to meet in any street, square, or open place in the city or liberties of Westminster, or county of Middlesex, within one mile from the gate of Westminster hall, (except such parts of the parish of Saint Paul's, Covent garden, as are within said distance) for the purpose or on the pretext of considering of or preparing any petition, complaint, remonstrance, declaration, or other address to the king, or to the prince regent, or to both houses or either house of parliament, for alteration of matters in church or state, on any day in which the two houses or either house of parliament

ment shall meet and sit, or shall be summoned, or adjourned, or prorogued to meet or sit, nor on any day on which the courts of Ch. K. B. C. B. and Exc. or any judge of any of them, shall sit in Westminster hall; and if any meeting, &c. for the purposes or on the pretexts aforesaid, shall be assembled or holden on any such day, contrary to the meaning of this enactment, such meeting, &c. shall be deemed to be an unlawful assembly, by whomsoever or in consequence of what notice soever such meeting, &c. shall have been holden: provided that nothing in this enactment shall be deemed to affect any meeting convened, called, or holden for the election of members of parliament, or to any persons attending such meeting, or attending upon the business of either house of parliament, or any of the said courts. And it is recited (s. 24.) that divers societies or clubs have been instituted in the metropolis, and in divers parts of the kingdom, of a dangerous nature and tendency, &c. and the members of many such societies, &c. have taken unlawful oaths, and engagements of fidelity and secrecy, and have taken or subscribed, or assented to, illegal tests and declarations; and many of said societies, &c. elect, appoint, or employ committees, delegates, representatives or missionaries, of such societies, &c. to meet, confer, communicate or correspond with other societies, &c. or with delegates, &c. of such other societies, &c. and to induce and persuade other persons to become members thereof, and by such means maintain an influence over large bodies of men, and delude many ignorant and unwary persons into the commission of acts highly criminal; and that certain societies or clubs, calling themselves "Spenceans," or "Spencean Philanthropists," hold and profess for their object the confiscation and division of the land, and the extinction of the funded property of the kingdom; and therefore enacts, that all such societies or clubs, or others who hold and profess or who shall hold, &c. the same objects and doctrines, shall be utterly suppressed and prohibited, as unlawful combinations and confederacies against the king's government, and against the peace and security of his subjects. And by s. 25. the said societies and clubs, and every other so-

s. 24.

Spencean societies or clubs, &c. suppressed.

s. 25.

Societies taking unlawful oaths,

*&c. or electing
delegates, &c.
deemed unlaw-
ful combinations
&c. within the
meaning of the
39 Geo. 3. c. 79.*

ciety, &c. now or hereafter established, the members whereof shall be required or admitted to take any oath or engagement which shall be an unlawful engagement within the meaning of the 37 Geo. 3. c. 123. or of the 52 Geo. 3. c. 104. or to take any oath not required or authorized by law; and every society the members whereof, or any of them, shall take or in any manner bind themselves by any such oath, &c. on becoming, or in order to become, or in consequence of being a member thereof; and every society, &c. the members or any member whereof shall be required or admitted to take, subscribe or assent to, or shall take, &c. any test or declaration not required or authorized by law, in whatever manner such taking or assenting shall be performed, whether by words, signs, or otherwise, either on becoming, or in order to become, or in consequence of being a member or members of any such society, &c.; and every society, &c. that shall elect, appoint, nominate, or employ any committee, delegate, representative or missionary, to meet, confer or communicate with any other society, &c. or with any committee, delegate, &c. of such other society, &c. or to induce or persuade any persons to become members thereof, shall be deemed to be unlawful combinations, &c. within the meaning of the 39 Geo. 3. c. 79. and shall be proceeded against, &c. accordingly; and every person who shall become a member of any such society, &c. or who shall act as a member thereof, and every person who shall directly or indirectly maintain correspondence or intercourse with any such society, &c. or with any committee, or delegate &c. or with any officer or member thereof, as such, or who shall, by contribution of money or otherwise, aid, abet, or support such society, &c. or any members or officers thereof as such, shall be deemed guilty of an unlawful combination, &c. within the meaning of the 39 Geo. 3. c. 79. and shall be proceeded against, &c. accordingly. Provided (s. 26.) that nothing in this act shall extend to any societies holden under the denomination of lodges of freemasons, in conformity to the rules prevailing in such societies of freemasons, provided such lodges shall comply with the rules and regulations contained in the 39 Geo. 3. c. 79.

s. 25.

*Exception of
freemasons'
lodges, declara-
tions approved
by 2 justices,
and meetings
for charitable
purposes.*

c. 79. relating to such lodges, &c. ; nor to any declaration to be taken, subscribed, or assented to, by the members of any society, the form of which shall have been first approved and subscribed by 2 or more justices of peace, and confirmed by the major part of the justices present at a general session, or at a general quarter sessions of the peace, pursuant to the 39 Geo. 3. c. 79. nor shall extend to any meeting, &c. or of the people called "Quakers," or to any meeting, &c. formed or assembled for purposes of a religious or charitable nature only, and in which no other matter or business shall be treated or discussed.

And this act, (s. 27.) recites the clause of the 39 Geo. 3.

s. 27.

c. 79. which declares every society which shall be composed of different divisions or branches, or of different parts acting separately or distinctly from each other, or of which

The 39 Geo. 3. c. 79. s. 2. not to extend to Quakers.

any part shall have any separate or distinct president, secretary, treasurer, delegate, or other officer, elected or appointed by or for such part, to be unlawful combinations, &c. and enacts, that the said enactment shall not extend to any meeting, &c. of the people called "Quakers," or to any meeting, &c. formed or assembled for purposes of a religious or charitable nature only, and in which no other matter or business shall be treated of, &c. By s. 28. any per-

s. 28.

son who shall knowingly permit any meeting of any society, &c. hereby declared to be an unlawful combination, &c. or of any division, branch, or committee of such society, &c. to be held in any house or apartment, building, or other place to him belonging, or in his possession or occupation, shall, for the first offence, forfeit £5. and shall, for any such offence committed after the date of the conviction for such first offence, be deemed guilty of an unlawful combination, &c. in breach of this act. By s. 29. it shall be

Penalty on person permitting unlawful assemblies in his house.

s. 29.

lawful for any two or more justices of peace acting for any county, &c. upon evidence on oath that any meeting of any society, &c. hereby declared to be an unlawful combination, &c. or any meeting for any seditious purposes, hath been held, after the passing of this act, at any house, room or place, licensed for the sale of ale, beer, wine or spirituous liquors, with the knowledge and consent of the person keeping such house, &c. to adjudge and declare the

Licenses of public houses where unlawful clubs are held, forfeited.

license

license or licenses so granted to such person to be forfeited ; and the person so keeping such house, &c. shall, from and after the day of the date of such adjudication, &c. and notice thereof given to him, be subject to all the penalties and forfeitures for any act done after that day, which he would be liable to if such license had expired or otherwise determined on that day.

s. 30.

Penalties, how recovered.

By s. 30. all the pecuniary fines, &c. exceeding £20. incurred under this act in England, Wales, or Berwick-upon-Tweed, may be recovered by action of debt in any court of record at Westminster, and in Scotland in the court of session there ; and it shall be sufficient to declare in England or conclude in Scotland, that the defendant is indebted to the plaintiff or pursuer in the sum of (being the sum demanded by the said action,) being forfeited by an act made in the 57th year of the reign of his present majesty, entitled, “ An act for the more effectually preventing seditious meetings and assemblies ;” and the plaintiff, &c. if he shall recover in such action, shall have his full costs or expenses ; and any pecuniary penalty imposed by this act, not exceeding £20. and for the recovery whereof no provision is herein-before contained, shall be recovered before any justice or justices of peace for the county, &c. in which the same shall be incurred, or the person having incurred the same shall happen to be, in a summary way ; and in case such last-mentioned penalty shall not be forthwith paid, such justice or justices shall, by warrant, &c. directed to any constable or other peace officer, cause the same to be levied by distress, &c. together with all costs and charges attending such distress, &c. and in case of no sufficient distress, such person, &c. shall commit the offender to the common gaol or house of correction for such county, &c. there to remain without bail or mainprize, for any time not exceeding 6, nor less than 3 calendar months ; provided that no person shall be prosecuted or sued for any pecuniary penalty imposed by this act, unless such prosecution shall be commenced, or such action brought, within 3 calendar months next after such penalty shall have been incurred. And by s. 31. all pecu-

s. 31.

Application of penalties.

niary penalties imposed by this act, shall, when recovered, be

be applied, one moiety to the plaintiff in any action, or to the informer before any justice, and the other moiety to the king. By s. 32. all actions and suits against justices of peace, constables, peace officers, or other persons, for any thing done in pursuance of this act, shall be commenced in 3 calendar months next after the fact committed; and the venue shall be laid in the proper county where the fact was committed; and the defendant may plead the general issue, and give this act and the special matter in evidence; and if any such action shall be commenced after the time so limited, or the venue be laid in any other place, &c. then the jury shall find for the defendant; and in such case, or if the jury shall find a verdict for the defendant upon the merits, or if the plaintiff shall become non-suit, or discontinue his action after appearance, or if, upon demurrer, judgment shall be given against the plaintiff, the defendant shall have double costs. And by s. 33.

s. 32.

*Pleading, &c.
in action
brought for any
thing done un-
der this act.*

every action and suit which shall be brought against any person in Scotland, for any thing done in pursuance of this act, shall also be commenced within 3 calendar months, &c. and shall be brought in the court of session in Scotland, and the defender may plead that the matter complained of was done in pursuance of this act, and may give this act and the special matter in evidence; and if such action, &c. shall be commenced after the time so limited, then the same shall be dismissed; and in such case, or if the defendant shall be assoilzied, or the pursuer shall suffer the action, &c. to fall asleep, or a decision shall be pronounced against the pursuer upon the relevancy, the defendant shall have treble costs or expenses. By s. 34.

s. 33.

*Similar clause
as to Scotland.*

convictions for offences, and adjudications of forfeitures of licenses, under this act, shall be in the several forms set forth in the schedules to this act, or in words to that effect.

s. 34.

*Convictions, &c.
to be in form set
forth in sche-
dules.*

By s. 35. nothing in this act shall take away or abridge any provision already made by the law of this realm, or of any part thereof, for the suppression or punishment of any offence described in this act. By s. 36. no person shall be prosecuted under this act for having been, before the passing of this act, a member of any society, &c. hereby declared to be an unlawful combination, &c. if he shall not

s. 35.

*Proviso as to
former laws for
punishment of
these offences.*

s. 36.

*Proviso as to
prosecutions un-
der this act, for
offences previous
to its passing.*

have

have acted as a member of that society, &c. after the passing of this act ; but nothing herein shall prevent any prosecution for any thing which shall be an offence within the meaning of this act, and which might have been so prosecuted if this act had not been made : provided that no person who shall be convicted or acquitted of any offence against this act, shall be again prosecuted for the same offence : and provided that nothing herein shall discharge any person in custody at the time of the passing of this act, or who having been in custody shall have been discharged on bail or recognizance from any prosecution which might have been had against such person, if this act had not been made. And by s. 37. in case any proceeding or

s. 37.

Prosecutions, &c. for offences against 39 Geo. 3. c. 79. or this act, may be stayed by attorney general in England, or lord advocate in Scotland.

prosecution shall be instituted, &c. for any offence against the 39 Geo. 3. c. 79. or against this act, either by action or by information before any justice, &c. it shall be lawful for the attorney general, as to any such action, &c. in England, or for the lord advocate of Scotland, as to any such action, &c. in Scotland, to order any such action, &c. to be stayed ; and in case of any judgment or conviction upon any such action, &c. it shall be lawful for any one of his majesty's principal secretaries of state, by any order made for that purpose under his hand, to stay the execution of such judgment, &c. or to mitigate or remit any fine or forfeiture, or any part thereof. By s. 38. where any house,

A secretary of state may stay execution, &c.

s. 38.

Inhabitants of city, &c. or hundred, to make compensation for damages done by any tumultuous assembly

shop, or other building, or any part thereof, shall be destroyed or in any manner injured, or where any fixtures thereto attached, or any furniture, goods or commodities, which shall be therein, shall be destroyed, taken away, or damaged, by the act of any riotous or tumultuous assembly, or of any person or persons engaged in or making part of such assembly, the inhabitants of the city or town in which such house, &c. shall be situate, if such city, &c. be a county of itself, or is not within any hundred, or otherwise, the inhabitants of the hundred in which such damages shall be done, shall yield full compensation in damages to the person or persons so injured, &c. ; and such damages shall and may be sued for and recovered, in like manner as provided by the 1 Geo. 1. c. 5. Eng. with respect to persons injured, &c. by the demolishing or pulling

Damages how recovered.

down

down of any dwelling-house by persons unlawfully, riotously, and tumultuously assembled. By s. 39. nothing in this act shall extend to Ireland. And it was provided (s. 40.) that this act might be repealed or altered during the then session.

s. 39.
Act not to extend to Ireland
s. 40.
Proviso as to altering, &c.
act.

Form of conviction of an unlawful combination and confederacy :

M. } Be it remembered, that on this day
to wit. } of in the year of the reign of
“ A. B. of is duly convicted before me [or us]
“ of his majesty’s justices of the peace for in
“ pursuance of an act of the fifty-seventh year of the reign
of king George the third, entitled, ‘ An act for the more
“ effectually preventing seditious meetings and assemblies,’
“ for that the said A. B. after the passing of said act, to
“ wit on the day of at did, contrary to
“ the said act, become a member of [or as the case may be,]
“ act as a member of, or maintain a correspondence or in-
“ tercourse with, or by contribution of money, (or other-
“ wise) abet [or support] a society, [describing the society,]
“ which society is an unlawful combination and confede-
“ racy within the intent and meaning of the said act.
“ Wherefore I [or we] the said do adjudge that he
“ the said A. B. do pay [or be imprisoned,] as a penalty
“ for his offence, in pursuance of the said act. Given un-
“ der my hand and seal [or hands and seals,] this day of
“ in the year of our lord and in the
“ year of the reign of his majesty king

Form of conviction of an unlawful combination, &c.

Form of adjudication of forfeiture of license to sell ale, &c.

M. } “ Be it remembered, that on this day
to wit. } “ of in the year of the reign
“ of his present majesty, A. B. of being a person
“ licensed to sell, [as the case may be] is duly convicted be-
“ fore us, two of his majesty’s justices of the peace for the
“ county of in pursuance of an act of the
“ fifty-seventh year of the reign of king George the third,
“ entitled ‘ an act for the more effectually preventing sedi-
“ tious meetings and assemblies,’ for that he the said A. B.
“ on at did permit a meeting of a
society

Form of adjudication of forfeiture of license to sell ale, &c.

“society [*describe the society,*] which is an unlawful com-
 “bination and confederacy within the intent and meaning
 “of the said act, to be held at being the house [*as*
 “*the case may be*] of the said *A. B.* wherein he the said
 “*A. B.* is licensed to sell [*as the case may be*]; wherefore
 “we the said do adjudge and declare, that the
 “license [*or licenses as the case may be,*] is [*or are,*] for
 “such offence, forfeited. Given under our hands and
 “seals this day of in the year
 “of our lord and in the year of the reign
 “of his majesty king

Form of con-
 viction for of-
 fences subject to
 pecuniary pe-
 nalties.

Form of conviction for offences subject to pecuniary pe-
 nalties.

“Be it remembered, that on this day of
 “in the year of the reign of *A. B.* of
 “is duly convicted before me [*or us,*]
 “of his majesty’s justices of the peace for in
 “pursuance of an act of the fifty-seventh year of the reign
 “of king George the third, entitled ‘An act for the more
 “effectually preventing seditious meetings and assemblies,’
 “for that the said *A. B.* after the passing of the said act
 “on at did, contrary to the said
 “act [*here specify any offence against the act, as the case*
 “*may be*]: wherefore I [*or we*] the said do ad-
 “judge that the said *A. B.* do pay the sum of
 “as a penalty for this offence in pursuance of the said
 “act.”

Of Offences against Public Trade.

Abolition of the
 slave trade.

52 Geo. 3. c. 113.

54 Geo. 3. c. 59.

55 Geo. 3. c. 72.

P. 672. l. 21. and Addenda I. p. 113. The 53 Geo. 3.
 c. 113. U. K. enlarges the time for commencing prosecuti-
 ons for forfeitures under the 46 Geo. 3. c. 52. and 47 Geo. 3.
 st. 1. c. 36. relating to the abolition of the slave trade.
 And the 54 Geo. 3. c. 59. U. K. is an act to allow ships
 taken and condemned for being used in carrying on the
 slave trade to be registered as British built ships. And
 the 55 Geo. 3. c. 172. U. K. provides for the support of
 captured slaves during the period of adjudication.

P. 672.

P. 672. l. 22. The 52 Geo. 3. c. 143. G. B. recites, that it is expedient that the provisions contained in any laws now in force for collecting the revenue in Great Britain, whereby the penalty of death is imposed for any act done in breach of said laws, should be amended and reduced into one act; and therefore enacts, that in all cases where any act to be done or committed after the passing of this act, (23 July, 1812) in breach of or in resistance to any part of the laws for collecting his majesty's revenue in Great Britain, would, by the laws now in force, subject the offender to suffer death, as guilty of felony without benefit of clergy, such act shall be deemed to be felony, with benefit of clergy, and punishable only as such, unless the same shall also be declared to be felony without benefit of clergy by this act. By s. 11. if any persons, to the number of 3 or more, armed with fire arms or other offensive weapons, shall, within Great Britain, or within the limits of any port, harbour or creek thereof, or within the Isle of Man, or within the limits of any port, &c. thereof, be assembled in order to be aiding and assisting in the illegal exportation of wool or other goods prohibited to be exported; or in the carrying of wool or other such goods, in order to such exportation; or in the illegal running, landing, or carrying away prohibited or uncustomed goods, or goods liable to pay any duties which shall not have been paid or secured; or in the illegal relanding of any goods which shall have been shipped or exported upon debenture or certificate, or from any warehouse wherein such wool, &c. shall have been deposited under any act of parliament for the securing the home consumption duties thereon; or in rescuing or taking away any such wool, &c. after seizure, from any officer of the customs or excise, or other officer authorized to seize the same, or other person employed by him, or assisting him, or from the place where the same shall have been lodged by him; or in rescuing any person who shall have been apprehended for any of the offences made felony by any act relating to the revenue of customs or excise of Great Britain, or in preventing the apprehending any person who shall have been guilty of any such offence; or in case any persons,

No offence against revenue laws to be deemed a felony without benefit of clergy, unless so declared by this act.

52 Geo. 3. c. 143. s. 1. G. B.

s. 11.

Any persons to the number of 3 assisting with arms in illegal exportation, or landing or relanding of wool or other goods, or in rescuing goods or offender; or any person maliciously shooting at king's ship, &c. or at any officer, &c. acting in execution of revenue laws, guilty of a capital felony.

*Accessaries also
guilty.*

*Offences where
tried.*

s. 12.

*Proceeding to
proclaim offend-
er, where any
officer, &c. shall
be killed in the
execution of his
duty under re-
venue laws.*

to the number of 3 or more, so armed as aforesaid, shall, within Great Britain, or the Isle of Man, or within the limits of any port, &c. thereof, respectively, be so aiding or assisting; or if any person shall maliciously shoot at or upon any ship, vessel or boat, belonging to his majesty's navy, or in the service of the customs or excise, within the limits of any port, &c. of Great Britain, or within the Isle of Man, or the limits of any port, &c. thereof, or in any port of the British or Irish channels, or on the high seas, within 100 leagues of the coast of Great Britain or Ireland; or if any person shall, either on shore or on the water, within the limits last aforesaid, maliciously shoot at, maim, or dangerously wound any officer of his majesty's army, navy, marines, militia or volunteers, or any other his majesty's military or naval forces, or of the customs or excise, or any other person aiding, &c. such officer when acting in the due execution of his duty under any of the powers or provisions of any act relating to the revenues of customs or excise of Great Britain, or of any act for the prevention of smuggling; every such offender, and every person aiding, abetting, or assisting therein, shall be adjudged guilty of felony without benefit of clergy; and every such offence which shall be committed within any port, &c. of Guernsey, Jersey, Alderney, Sark or Man, shall be inquired of, &c. in the said islands respectively; and every such offence committed elsewhere out of the united kingdom shall be inquired of, &c. in any county of the united kingdom; and every such offence committed within England, Scotland, or Ireland, shall be inquired of, &c. within such part of the united kingdom in which such offence shall be committed, but in any county or shire of such part of the united kingdom, in such manner as if the offence had been committed in the county, &c. in which the same shall be inquired of, &c. And by s. 12. if any person shall be charged by information on oath before any justice of peace, or other person competent to take such information, in any part of the united kingdom, with being guilty of so assembling, aiding or assisting, or of so maliciously shooting, maiming or wounding, as aforesaid, within the limits herein-before specified, in any case where-
in

in any such officer as aforesaid, or any person aiding, &c. such officer in the execution of his duty, shall have been killed, such information shall be forthwith certified by the justice, or other person taking the same, under his hand and seal, to one of his majesty's principal secretaries of state, who shall forthwith lay the same before his majesty in his privy council; and his majesty may thereupon, if he shall so think fit, by his order in council, require and command the person so charged with such offence, that he do, within 60 days, or such longer time as to his majesty shall seem fit, after the publication of such order in the London Gazette, surrender himself to the lord chief justice, or any other justice of the king's bench, or to any justice of peace, or other person competent to take such surrender, as in such order shall be specified; and may further require such order to be proclaimed by the sheriff of the county where the offence shall have been committed, if committed within any county of the united kingdom, and if not committed within any such county, then by the sheriff of any county near to the place wherein the offence shall have been committed; and the clerks of the privy council shall cause such order to be forthwith printed and published in the London Gazette, and such publication to be repeated once in every week after such first publication, until the expiration of the said 60 days, or such other time as shall be appointed by such order for the surrender of such offender; and shall also cause a copy of such order, attested by the signature of one of said clerks, to be transmitted to the sheriff of the county specified in such order, who shall, within 14 days after the receipt of such copy, cause the same to be proclaimed between the hours of 10 in the morning and 2 in the afternoon, in the respective market places, upon the respective market days of 2 market towns in the same county, if there shall be 2 such towns; and if there shall be only one such town, then in such town, and in some other place of general resort within such county, and shall also cause a true copy of such copy of such order to be affixed upon some public place in each of such market towns, or other place where such proclamation shall be made; and if the person charged with such

If such offender shall not surrender himself within time limited, or shall escape, he shall be attainted and suffer as a felon without benefit of clergy.

such offence shall surrender himself according to such order, the justice, or other person to whom he shall so surrender, shall commit him to some gaol or prison within his jurisdiction, to be dealt with according to law; but if such person shall not so surrender himself within the time limited in such order, or shall, after surrender and before trial for such offence, escape from justice, such person shall, from the day appointed for such surrender, be adjudged to be a person attainted of felony, and shall suffer death as a felon, without benefit of clergy, if the offence shall be charged to be committed in England, or within the limits of any port, &c. in England or Ireland, or within 100 leagues of the coast thereof; and it shall be lawful for the court of king's bench, or the justices of *oyer and terminer* or general gaol delivery, or great sessions, for the county or place where such offender shall be, to award execution against such offender, in such manner as if he had been convicted and attainted in said court of king's bench, &c.; and if the offence shall be charged to have been committed in Scotland, or within any port, &c. thereof, or within 100 leagues of the coasts thereof, such offender shall be adjudged to be convicted of a capital crime, and shall suffer death and confiscation of moveables, as in the case of a person found guilty of a capital crime, and under sentence for the same; and it shall be lawful for the court of justiciary, or the lords of justiciary in their circuits in Scotland, to award execution against such offender, in such manner as if he had been found guilty in said courts of justiciary, or circuit courts. *

Justices at petty sessions to appoint persons to inspect measures.

55 Geo. 3. c. 43.
E. & W.

P. 699. l. 22. For the more effectual prevention of the use of false and deficient measures, the 55 Geo. 3. c. 43. E. & W. enacts, that it shall be lawful for the justices of peace of the several counties, ridings, divisions, cities, boroughs and towns corporate of England and Wales, at their respective petty sessions, to appoint one person or more who shall have power to examine the measures within their several

* The other clauses of this act relate to the crimes of larceny and forgery, and are therefore postponed.

veral divisions, districts and limits. And by s. 2. every person so appointed shall, (having been first sworn duly and faithfully to execute the office in him reposed by virtue of such appointment and of this act, which oath such justices are hereby authorized to administer,) as often as such justices shall direct, in the day-time enter into the shop, house, out-houses, and other places near to such shop or house, and into the stall or standing place of any person or persons, within their respective divisions or limits, who shall sell by retail, and by any measure of capacity, any liquid or dry goods, or other article, and then and there to search for, view, and examine all measures of capacity in such shop, &c. premises, or standing place, and to seize any such measures not being according to the standard in the exchequer, which shall be found therein, and to deliver the same, to be produced before the justices in petty sessions as aforesaid, upon the hearing of the information hereinafter mentioned; and the person in whose shop, &c. any such deficient measure shall be found, shall, upon conviction thereof in petty sessions, upon view or confession, or upon the oath of one credible witness or more, forfeit all such false and deficient measures; (which measures shall be broken or otherwise disposed of as such justices, before whom such conviction shall be, shall direct,) and shall also forfeit any sum not exceeding 20s. nor less than 5s. as the said justices, &c. shall adjudge, together with the costs and charges attending such conviction; such forfeiture, together with such costs, &c. to be levied by warrant under the hands and seals of said justices, or the hand and seal of one of them, by distress and sale of so much of the goods, &c. of the offender, as shall be sufficient to pay said penalty, and the expenses of such distress and sale; and if no sufficient distress can be found, and such penalties, &c. with such costs, &c. shall not be forthwith paid, such justices, or either of them, shall, by warrant, &c. commit such offender to the gaol or house of correction of the limit where the offence shall be committed, for any time not exceeding one month, unless the penalties, costs, &c. shall be sooner paid. And by s. 3. if any person shall wilfully obstruct, hinder, resist, or in any wise oppose any of the persons hereby empowered to view, &c. such measures,

s. 2.

Such persons may enter shops, &c. and seize measures not being according to the standard in the exchequer.

Penalty for having such deficient measures.

s. 3.

Penalty for obstructing, &c. such inspectors.

s. 4.
*Forfeitures how
applied.*

*Returns of for-
feitures return-
ed to clerk of
the peace.*

s. 5.
*Such inspectors
of measures how
recompensed.*

s. 6.
*Proper mea-
sures to be pur-
chased and de-
posited with the
several clerks of
the peace.*

s. 7.
*Majority of in-
habitants may*

asures, in the execution of his office; or if any person selling or retailing by measure, shall refuse to produce his or her measures in order to be viewed, &c. such offender shall, for every such offence, on being duly convicted on oath before any one justice of the peace or more, forfeit any sum not exceeding £5. nor less than 40s. as the justice, &c. before whom any such offender shall be convicted, shall adjudge; and such forfeiture shall be levied in the manner herein-before directed. By s. 4. on the conviction of any offender against this act, the justice, &c. before whom such conviction shall take place, shall cause the amount of the forfeiture which shall be levied or paid, to be applied towards the expenses of carrying this act into execution, and the residue, (if any) to be paid to the treasurer of the county, &c. on account of the public stock thereof; and the said justices shall prepare, or cause to be prepared, returns of the forfeitures levied by them in pursuance of this act, and shall transmit such returns signed by them to the clerk of the peace, at every general quarter sessions of the peace. By s. 5. it shall be lawful for the justices, at their general quarter sessions, to allow to such persons as shall be appointed to examine measures under this act, a reasonable recompense for their trouble in the execution of said office, to be paid out of the general rate or stock of such county, &c. And this act provides (s. 6.) that the said justices shall, as soon after the passing of this act as convenient, purchase for the use of their respective counties, &c. out of the general rate or stock of such county, &c. proper measures, duly marked according to the standard in the exchequer; which shall be deposited either with the respective clerks of the peace, or with some other proper person, in such safe and convenient place within the respective limits as the said justices shall direct; and shall be produced by such persons, upon reasonable notice, at such time and place as any person shall by writing under his hand require; the person so requiring the production of said measures paying the reasonable costs and charges of producing the same. Provided (s. 7.) that if the majority of the inhabitants of any parish, township, or place, should be desirous that any person shall be specially

ally appointed to examine the measures within such parish, township, or place, it shall be lawful for such inhabitants (at a vestry to be duly holden for that purpose,) to nominate 5 or more substantial householders, to be appointed by the said justices at their respective petty sessions for the division or district wherein such parish, &c. shall lie, which persons so appointed shall have the same powers, &c. within such parish, &c. as are vested in the persons appointed for any district, &c. Provided also (s. 8.) that no appointment for such parish, &c. shall be made until the inhabitants thereof shall have procured the proper measures, duly marked according to the standard in the exchequer, for the use of such parish, &c. to be deposited in the custody of the persons to be appointed as last mentioned; and it shall be lawful for said justices, in their respective petty sessions, to order the costs and charges of procuring such measures, and the recompense to be allowed to such persons for their time and trouble in the execution of such office, within such parish, &c. to be paid out of the rate made for the relief of the poor within such parish, &c. By s. 9. no proceedings touching the conviction of any offender against this act, shall be removed by *certiorari*, or other writ or process, into any court of record at Westminster. And by s. 10. convictions under this act are required to be made out in the following form, or in words to that effect: “ Be it remembered, that on the

nominate householders to be appointed by justices to examine measures.

s. 8.
Proper measures to be previously procured.

Costs, &c. paid out of poor rate.

s. 9.
Convictions not to be removed by certiorari, &c.

s. 10.
Form of convictions.

day of in the year of our lord at a
petty session holden at for before us *A. B.*
and *C. D.* justices of the peace acting in and for the said
 E. F. of in the said was duly con-
“ victed before us the said justices, for that he the said
“ *E. F.* on the day of now last past,
“ at in the said contrary to the form
“ of the statute in that case made and provided, [*here state*
“ *the offence against this act*]; and we the said justices do
“ declare and adjudge, that the said *E. F.* hath for such
“ offence forfeited the said [*several*] measures []
“ and hath also forfeited the sum of of lawful
“ money of Great Britain, to be applied as the law directs;
“ and the further sum of of like lawful money,
for

s. 11.
Conviction
under this act
a bar to other
prosecutions.

s. 12.
Proviso as to
corporations, &c.
or persons ap-
pointed at
courts leet to ex-
amine measures.

s. 13.
Limitation for
prosecutions un-
der this act.

“for the reasonable costs and charges attending this
“conviction. Given under our hands and seals, on the
“day and in the year first-mentioned.” By s. 11. any
person convicted of an offence under this act, and who shall
suffer for the same, shall not be otherwise punished for such
offence by any other law or statute. By s. 12. this act
shall not lessen or prevent the authority which any
person or body corporate, or any person appointed at any
court leet for any hundred or manor, may have for the ex-
amining, regulating, seizing, breaking or destroying any
measures, within their respective jurisdictions. And it is
provided (s. 13.) that no person shall be prosecuted for any
offence against this act, unless information thereof upon
oath shall have been given to some justice of the peace,
within six weeks after the offence committed.

Of Offences against the Public Health, and the Public Police or Economy.

No brewer shall
have, make, or
use, &c. any li-
quor, &c. for
darkening the
colour of worts
or beer; or have,
&c. any molas-
ses, &c. as a
substitute for
malt or hops.

56 Geo. 3. c. 58.
s. 2. G.B.

P. 748. l. 27. The 56 Geo. 3. c. 58. G.B. provides (s. 2.)
that no brewer or dealer in, or retailer of beer, shall re-
ceive or take into, or have in his custody or possession, or
make, or use, or mix with, or put into any worts or beer,
any liquor, extract, calx, or other material or preparation for
darkening the colour of worts or beer, or such as has been
heretofore, or shall be hereafter used for or in such darken-
ing, &c. other than brown malt, ground or unground, as
commonly used in brewing; or shall receive or take into,
or have in his custody, &c. or use or mix with, or put into
worts or beer, any molasses, honey, liquorice, vitriol,
quassia, coculus Indiæ, grains of paradise, Guinea pepper
or opium, or any preparation of molasses, &c. or any ar-
ticle or preparation whatsoever, for or as a substitute for
malt or hops; upon pain of forfeiture of all such liquor,
and preparation as aforesaid, and also the said worts and
beer,

beer, together with the casks, vessels, or other packages containing the same, which shall and may be seized by any officer of excise; and such offender shall forfeit £200.

And by s. 3. no druggist, or vender of or dealer in drugs, or chymist, or other person, shall sell, send or deliver, or cause, procure, permit or suffer to be sold, &c. to any licensed brewer of, or dealer in, or retailer of beer, knowing him to be so licensed or to be reputed to be so licensed, or shall sell, &c. or cause to be sold, &c. to any other person for or on account of, or in trust for, or to the use of any such brewer, &c. any liquor called or known by the name or description of or sold as colouring, from whatever materials the same may have been made, or any other material or preparation other than unground brown malt, for the purpose of darkening the colour of worts or beer, or any liquor or preparation such as has been heretofore or shall hereafter be made use of for or in the darkening of the colour of worts or beer, or any molasses, &c. or any article or preparation to be used in worts or beer, for or as a substitute for malt or hops; upon pain of forfeiting all such liquor, and material or preparation for the purposes aforesaid, and the same shall and may be seized by any officer of excise, and such druggist, &c. or other person so offending, shall forfeit £500. And by s. 4. all fines, penalties and forfeitures imposed by this act, shall be sued for, recovered, levied or mitigated, by such ways, &c. as any fine, &c. may be sued for, &c. by any of the laws of excise, or by action of debt, &c. in any court of record at Westminster, or in the court of exchequer in Scotland; one moiety to the king, and the other to him who shall inform, discover, or sue for the same.

P. 753. l. 18. The 39 Eliz. c. 17. Eng. here stated, by which idle and wandering soldiers were liable to be prosecuted as felons, is repealed by the 52 Geo. 3. c. 31.

P. 763. l. 11. The 54 Geo. 3. c. 115. I. recites the 17 Geo. 2. c. 10. Ir. which was amended and made perpetual by the 1 Geo. 3. c. 17. Ir. and that difficulties and inconveniences have occurred and may occur in suits instituted by the devisees of any lessors in suing for the penalties under the 17 Geo. 2. c. 10. and the several acts

s. 3.

No druggist, &c. shall sell to any brewer, &c. such colouring or substitute for malt or hops.

Penalty.

s. 4.

Penalties how recovered.

Act against wandering soldiers, &c. repealed.

52 Geo. 3. c. 31.

In suits for the recovery of penalties for burning land, by devisee of lessor, it shall be sufficient proof of title, that plaintiff has received

*the rent for one
year after death
of lessor, &c.*

54 Geo. 3. c. 115.
I.

amending the same, from the necessity of producing the wills under which the titles of such devisees are derived, and witnesses to prove the same; and like difficulties have occurred and may occur to persons entitled to the rent reserved, or to the reversion or remainder expectant on any lease or demise, from the necessity of producing the title deeds or settlements under which their titles are derived, and witnesses to prove the same; and therefore enacts, that in every suit for the recovery of the penalty for burning land under said acts, or any of them, it shall be deemed sufficient proof of title in the plaintiff, if it shall be duly proved on his behalf, that he has, for one year at least after the death of the lessor or other person next after whom he claims to be entitled, received the rent reserved in the lease or demise under which the lands are held, in respect of which such suit shall be brought, unless the defendant shall prove that the title to the rent and reversion expectant on such lease, &c. is in some other person than the plaintiff.

*Persons found
in the night time
within any fo-
rest, &c. with
intent to take or
kill game, &c.
how punished.*

57 Geo. 3. c. 90.
G. B.

P. 771. l. 35. The 57 Geo. 3. c. 90. G. B. recites, that idle and disorderly persons frequently go armed in the night-time for the purpose of protecting themselves, and of assisting each other in the illegal destruction of game or rabbits, and that such practices are found by experience to lead to the commission of felonies and murders; and therefore enacts, that if any person having entered into any forest, chase, park, wood, plantation, close, or other open or enclosed ground, with intent illegally to destroy, take, or kill game or rabbits, or with intent to aid, abet, and assist any person illegally to destroy, &c. game or rabbits, shall be found at night, that is to say, between the hours of 6 in the evening and 7 in the morning from the first day of October to the first day of February, between 7 in the evening and 5 in the morning from the first day of February to the first day of April, and between 9 in the evening and 4 in the morning for the remainder of the year, armed with any gun, cross-bow, fire arms, bludgeon, or any other offensive weapon, every such offender shall be adjudged guilty of a misdemeanor, and sentenced to transportation for 7 years, or shall receive such other punishment

punishment as may by law be inflicted on persons guilty of misdemeanors, and as the court shall adjudge; and if any such offender shall return into Great Britain before the expiration of the term for which he shall be so transported, he shall be adjudged guilty of felony, and be transported for his natural life. And by s. 2. it shall law-

ful for the rangers, owners, and occupiers of such forests, &c. and for their keepers, servants, and also for any other person, to seize and apprehend, or to assist in seizing, &c.

such offenders, and to convey and deliver them into the custody of a peace officer, who shall convey them before some one of his majesty's justices of peace for the county

or place where such offence shall be alleged to have been committed; or in case any such offender shall not be so apprehended, then it shall be lawful for such justice, on information before him on the oath of any credible witness, to issue his warrant for the apprehension of such offender; and if, upon his apprehension, it shall appear to such justice, on the oath of a credible witness, that the person so charged hath been guilty of the crime of being found armed at night as aforesaid, it shall be lawful for such justice to admit him to bail, or, in default of bail, to commit him to the county gaol until the next general quarter sessions of the peace, or the next general commission of gaol delivery to be holden for such county or place, to be there tried, &c. as by this act is directed; and if in Scotland, until such person shall be dealt with as any person charged with a transportable offence may be dealt with according to the laws and practice of Scotland. And by

s. 3. if any person shall unlawfully enter into or be found

in any forest, &c. at night, (according to the provisions of this act with respect to what shall be called night,) having any net, engine, or other instrument for the purpose and with intent to destroy, take or kill, or shall wilfully destroy, &c. game, it shall be lawful for the ranger, owner,

and occupier of any such forest, &c. and also for his keeper, servant, or other person, to seize and apprehend, or assist in seizing, &c. such offender, and to deliver him to the custody of a peace officer, who shall convey him before one of his majesty's justices of peace for the county, &c. where

such

s. 2.

Rangers, owners and occupiers, &c. of forests &c. or other persons, may apprehend such offenders, and bring them before a justice of peace.

s. 3.

Persons found in any forest, &c. at night, with engine, &c. for destroying game, may be taken before a justice.

s. 4. & 5.
The 56 Geo. 3.
c. 130 and 39
& 40 Geo. 3.
c. 50. repealed.

Persons licensed
or unlicensed
selling chances of
tickets for less
than the whole
time of drawing
of the state lot-
tery, or insur-
ing, &c. how
punished.

57 Geo. 3. c. 31.
s. 34. U. K.

such offence shall be alleged to have been committed, to be dealt with according to law. And by s. 4 & 5. the 56 Geo. 3. c. 130. and 39 & 40 Geo. 3. c. 50. are repealed.

P. 811. l. 32. The following clauses of the last annual lottery act (57 Geo. 3. c. 31. U. K.) are proper to be here stated. This act (s. 34.) provides, that it shall not be lawful for any person to sell the chance of the benefit which may belong to any ticket in any lottery to be drawn in pursuance of this act, for any less time than the whole time of drawing then to come, or to sell any other chance of any benefit which may belong to any such ticket, except such as is herein-after *expressly permitted; or to insure for or against the drawing of any such ticket, or to receive any money or goods in consideration of any agreement to repay any sum, or to deliver the same or other goods if any such ticket shall prove fortunate or unfortunate, or on any chance or event relative to the drawing of any such ticket, whether as to their being drawn fortunate or unfortunate, or the time of their being drawn, or otherwise, or, under any pretence, device, form, or description whatever, to promise or agree to pay any sum, or to deliver any goods, or to do or forbear doing any thing for the benefit of any person, whether with or without consideration, on any event or contingency relative to the drawing of any such ticket, or to publish any proposal for any of the purposes aforesaid; and every such contract shall be void, and every such offender, if not licensed to divide tickets into shares, shall be deemed a rogue and vagabond, and punished in the manner hereinafter directed, and if licensed, &c. shall for every such offence, forfeit £50. And this act (s. 35.) recites, that many evil disposed persons, to evade the provisions of the acts made to punish persons guilty of insuring for or against the drawing of tickets, more particularly described in this act, authorize agents for them, to take money for such illegal contracts, and have in their custody or possession accounts, statements, or memorandums in writing of such illegal contracts entered into; and therefore enacts, that upon any information

s. 35.
Persons in
whose premises
papers relating
to insurance in
lottery or little-
go are found,
punished as
rogues and va-
gabonds.

* This refers to s. 37. 38. and 39, which allow licensed persons to sell certain shares and chances.

information upon oath made before any magistrate or justice of peace, stating any person to be a reputed lottery insurer, and, in the opinion of the informer, to be in possession of books, papers, or memorandums of illegal contracts entered into relating to lottery insurances, such magistrate, &c. shall issue his warrant, directed to a constable or officer of police, to empower him, with proper assistance, to enter the dwelling place and premises of such reputed lottery insurer, and search for and seize all such papers, &c. and if any such be found either in or about the dwelling place or premises, or upon such insurer, or any other person in the same dwelling place, appearing to relate to insurance in the lottery or little-go, or if any memorandums of such insurance should be found at the time of such search, written in chalk or otherwise upon or about the dwelling place or premises, then to apprehend and bring such insurer, with any person or persons upon whom such papers, &c. were found, before 2 magistrates, &c. and upon proof before them that such papers, &c. relate to such insurances, or upon proof of 2 credible witnesses (of whom such informer shall not be one,) that such memorandums were written with chalk or otherwise upon or in the premises, and related to such insurances, such persons shall be deemed rogues and vagabonds, and punished as such. And by s. 36. it shall be lawful for any magistrate, &c. to issue his summons to order the attendance of any witness to give evidence upon the hearing of every offence above described; and service of such summons at the house or usual place of residence of the person summoned shall be deemed good service; and in default or non-attendance of such witness at the time mentioned in said summons, and if no reasonable excuse shall be made or proper cause assigned to the satisfaction of the justices for not attending, then it shall be lawful for such magistrate, &c. to issue his warrant, and direct and deliver the same to any constable, &c. to be executed, who shall have power to apprehend and detain him, to be examined touching the matters complained of; and upon proof of due diligence having been used to apprehend such witness, it shall be lawful for such magistrate, &c. to detain and re-

mand

s. 36.

*Witnesses how summoned.**Attendance of witnesses how enforced.*

s. 37.
No other shares of tickets to be sold, or scheme published but such as hereby authorized.

Penalty.

s. 55 & 56.
Houses, &c. may be broke open to apprehend offenders, &c.

s. 62.
Offenders adjudged rogues and vagabonds, how punished.

mand the person by whom the offence of so insuring (as in s. 35.) shall be imputed to have been committed, from time to time, for not more than 7 days between each time of remanding him, but for so long a time in the whole as such magistrate, &c. shall deem proper. And by s. 37. if any person shall sell any ticket, or share of any ticket, in any lottery except such as are by this or some other act of parliament to be sold, or shall publish any proposal or scheme for the sale of any ticket or share, except of such lottery or lotteries as are or shall be authorized as aforesaid, or shall sell any share of any ticket in any lottery to be drawn in pursuance of this act, in any other proportion than one half, quarter, eighth, or sixteenth part or share; or shall publish any proposal or scheme for selling any share, or enter into any agreement for any share of any ticket in the said respective lotteries, in any other proportion than one-half, quarter, eighth or sixteenth, such person shall forfeit £50. and be deemed a rogue and vagabond, and shall be punished as herein-after directed. This act (s. 55. and 56.) contains clauses similar to that of the 48 Geo. 3. c. 139. s. 52. which is stated in Digest VOL. II. p. 811; and by s. 62. provides, that if any person shall be brought before any 2 or more justices of peace for the county, &c. and shall be convicted of any offence against this act, upon evidence on oath, (whether information shall have been filed of such offence or not, and upon which hearing it shall not be necessary to produce any information upon oath, though it may have been filed,) whereby such person shall be adjudged a rogue and vagabond, then such justices shall order such offender to be sent to the house of correction, for any time not exceeding 6 calendar months, nor less than one, and until the final period of the drawing of the lottery in respect whereof such offence shall be committed; and if such person shall have been convicted of a like offence under this or any former act, for granting to his majesty any sum of money to be raised by lotteries, then in addition to the punishment last-mentioned, it shall be lawful for such justices, at their discretion, to order such offender to be privately whipped; and any such conviction

viction under this act, may be in the form following,
mutatis mutandis :

Middlesex } "To the keeper of
to wit. }

Form of con-
viction.

"Whereas *A. B.* of in the county of Middlesex,
"is this day duly convicted before us *C. D.* and *E. F.* two
"of the justices of our lord the king assigned to keep the
"peace of our said lord the king in and for the said
"county, and also to hear and determine divers felonies,
"trespasses, and other misdemeanors committed within
"the said county, for that he the said *A. B.* at in
"the said county, on the day of
" (*state the offence*) against the form of the statute made in
"the fifty-seventh year of the reign of our said lord the
"king, intituled 'An act for granting to his majesty a sum
"of money to be raised by lotteries,' and the said *A. B.*
"having for such offence been adjudged a rogue and va-
"gabond by us the said justices within the intent and
"meaning of the said statute, we do order that the said
"*A. B.* be committed, and the said *A. B.* is hereby by us
"accordingly committed to the house of correction at
"in and for the said county of Middlesex, there to re-
"main for the space of now next ensuing: and we
"do hereby require the keeper of the said house of cor-
"rection to receive into his custody the body of the said
"*A. B.* here with sent, and him to safely keep and
"detain in the said house of correction accordingly:
"Given under our hands and seals, &c. &c." and
such proceedings shall not be subject to appeal, nor be re-
movable by *certiorari*, or otherwise, into any court. And by
s. 63. if any person shall be sued, &c. for any thing done
in pursuance of this act, he may plead the general issue
and give this act and the special matter in evidence; and
if a verdict shall pass for the defendant, or the plaintiff
discontinue or be non-suited, or judgment be given against
him, upon demurrer or otherwise, such defendant shall
have treble costs.

s. 63.

Of Offences against the Persons of Individuals.

*Persons guilty
of child stealing
deemed felons,
and subject to
pains, &c. of
grand larceny.
54 Geo.3.c.101.
E. & I.*

P. 919. l. 16. The 54 Geo. 3. c. 101. E. & I. recites, that the practice of carrying away young children, by forcible or fraudulent means, from their parents or other persons having the care and charge of them, commonly called child stealing, has of late much prevailed and increased; and that no adequate punishment is as yet provided by law in England or Ireland for so heinous an offence; and therefore enacts, that if any person shall maliciously, either by force or fraud, lead, take or carry away, or decoy or entice away, any child under the age of 10 years, with intent to deprive its parent or parents, or any other person having the lawful care or charge of such child, of the possession of such child, by concealing and detaining such child from such parent or other person, &c. or with intent to steal any article of apparel or ornament, or other thing of value or use, upon or about the person of such child, to whomsoever such article may belong; or shall receive and harbour, with any such intent as aforesaid, any such child, knowing the same to have been by force or fraud led, taken or carried, or decoyed or enticed away as aforesaid; every such person, and his counsellors, procurers, aiders and abettors, shall be deemed guilty of felony, and be subject to all such pains, penalties, punishments and forfeitures, as, by the laws now in force, may be inflicted upon, or are incurred by persons convicted of grand larceny. Provided (s. 2.) that nothing in this act shall extend to any person who shall have claimed to be the father of an illegitimate child, or to have any right or title in law to the possession of such child, on account of his getting possession of such child, or taking such child out of the possession of the mother thereof, or other person having the lawful charge thereof. And provided (s. 3.) that this act shall not extend to Scotland.

*s. 2.
Proviso as to fa-
thers of illegiti-
mate children.*

*s. 3.
Not to extend to
Scotland.*

P. 925.

Of Offences against Private Property.

P. 925. l. 31. and Addenda p. 120. By the 52 Geo. 3. c. 63. U. K. if any person with whom (as banker, merchant, broker, attorney, or agent of any description whatsoever) any ordnance debenture, exchequer bill, navy, victualling or transport bill, or other bill, warrant or order for payment of money, state lottery ticket or certificate, seamens' ticket, bank receipt for payment of any loan, India bond or other bond, or any deed, note or other security for money, or for any share or interest in any national stock or fund of this or any other country, or in the stock or fund of any corporation, company or society established by act of parliament or royal charter, or any power of attorney for the sale or transfer of any such stock or fund, or any share or interest therein, or any plate, jewels or other personal effects, shall have been deposited, or shall be or remain for safe custody, or upon or for any special purpose, without any authority, either general, special, conditional or discretionary, to sell or pledge such debenture, &c. or to sell, transfer or pledge the stock or fund, or share or interest in the stock or fund, to which such security or power of attorney shall relate, shall sell, negotiate, transfer, assign, pledge, embezzle, secrete, or in any manner apply to his own use or benefit, any such debenture, &c. or other security as herein-before mentioned, plate, &c. or other personal effects, stock, &c. or share or interest in the stock, &c. to which such security or power of attorney shall relate, in violation of good faith, and contrary to the special purpose for which the things herein-before mentioned, or any of them, shall have been deposited, &c. with intent to defraud the owner of any such instrument or security, or the person depositing the same, or the owner of the stock, &c. share, &c. to which such security or power of attorney shall relate, such offender shall be guilty of a misdemeanor, and be sentenced to transportation for any term not exceeding 14 years, or to receive such other punishment as may by law be inflicted

Any banker, merchant, &c. or agent of any description who shall negotiate, embezzle, &c. any securities for money, plate, &c. or other personal effects deposited with him, in violation of good faith, may be transported for 14 years.
52 Geo. 3. c. 63. U. K.

s. 2.

Any banker, &c. who shall fraudulently convert to his own use, money entrusted to him to be invested in the purchase of government stock, &c. or for other special purpose, liable to like punishment.

flicted on a person guilty of a misdemeanor, as the court before which such offender may be tried and convicted shall adjudge. And by s. 2. if any such banker, &c. in whose hands any sum of money, bill, note, draft, cheque or order for the payment of any sum of money, shall be placed, with any order in writing, and signed by the party who shall so deposit, &c. the same, to invest such sum, or the money to which such bill, &c. shall relate, in the purchase of any stock or fund, or in or upon government or other securities, or in any other way or for any other purpose specified in such order, shall in any manner apply to his own use any such sum of money, or any such bill, &c. in violation of good faith, and contrary to the special purpose specified in such order, with intent to defraud the owner of any such sum of money, or order for the payment of any sum of money, such offender shall in like manner be deemed guilty of a misdemeanor, and shall incur such punishment as herein-before mentioned. Provided (s. 3.) that nothing herein shall prevent any of the

s. 3.

Proviso as to money received according to the tenor of instruments.

** misprinted "tender."*

s. 4.

Such partners only as are privy to offence liable.

persons herein-before mentioned from receiving any money which shall be or become actually due and payable upon or by virtue of any of said instruments or securities, according to the [*tenor] and effect thereof. And provided (s. 4.) that the penalty by this act annexed to the commission of any offence intended to be guarded against by this act, shall not extend to any partner, or other person belonging to any partnership, society or firm, except only such partner, &c. as shall actually commit, or be accessory or privy to the commission of such offence. And provided (s. 5.) that nothing in this act, nor any proceeding,

s. 5.

Saving for remedies at law or in equity against such offender.

conviction or judgment to be had thereon, shall hinder, lessen or impeach any remedy at law or in equity, which any party aggrieved by any offence against this act might or would have had, if this act had not been made; but, nevertheless, the conviction of any offender against this act shall not be received in evidence in any action at law, or suit in equity, against such offender; and no person shall be liable to be convicted by any evidence as an offender against this act in respect of any thing done by him, if he shall, previously to his being indicted for such offence,

have

have disclosed such matter on oath, under or in consequence of any compulsory process of any court of law or equity, in any suit or proceeding in which he shall have been a party, and which shall have been, *bona fide*, instituted by the party aggrieved by the act, &c. committed by such offender. And provided (s. 6.) that nothing in this act shall affect any trustee in or under any marriage settlement, will, deed or other instrument, or mortgage of any property real or personal, in respect of any act done by such person in relation to the property comprized in or affected by such trust or mortgage. And provided (s. 8.) that nothing herein shall restrain any banker, merchant, broker, attorney or other agent, from selling, negotiating, transferring or otherwise disposing of any securities, property or other effects as aforesaid, in their custody or possession, upon which they shall have any lien, claim or demand, which by law entitles them to sell or dispose thereof, unless such sale, &c. shall extend to a greater number or greater part of such securities, &c. than shall be requisite for the purpose of paying or satisfying such lien, &c. By s. 7. every person who shall commit in Scotland any offence against this act, which is hereby constituted a misdemeanor, shall be liable to be punished by fine and imprisonment, or by either of them, or by transportation for any term not exceeding 14 years, as the judge or judges before whom such offender shall be tried and convicted may direct.

s. 6.

Exception of trustees or mortgagees.

s. 8.

Proviso as to bankers, &c. having liens or claims on property sold, &c.

s. 7.

Offenders in Scotland how punished.

P. 926. last line. The 52 Geo.3.c.143. G.B. ante p.423. enacts, (s. 2.) that if any deputy, clerk, agent, letter carrier, post boy or rider, or any other officer or person employed by or under the post office of Great Britain, in receiving, stamping, sorting, charging, carrying, conveying or delivering letters or packets, or in any other business relating to said office, shall secrete, embezzle, or destroy any letter or packet, or bag or mail of letters, with which he shall have been entrusted in consequence of such employment, or which shall in any other manner have come to his hands or possession whilst so employed, containing the whole or any part of any bank note, bank post bill, bill of exchange, exchequer bill, South Sea or East India

Persons employed by the post office, embezzling or destroying letters, &c. containing bank notes, &c. or stealing out of letters, &c. bank notes, &c. guilty of a capital felony.

52 Geo 3. c 143. s. 2. G. B.

bond,

bond, dividend warrant, either of the bank, South Sea, East India, or any other company, society or corporation, navy or victualling or transport bill, ordnance debenture, seaman's ticket, state lottery ticket or certificate, bank receipt for payment on any loan, note of assignment of stock in the funds, letter of attorney for receiving annuities or dividends, or for selling stock in the funds, or belonging to any company, society or corporation, American provincial bill of credit, goldsmith's or banker's letter of credit, or note for or relating to the payment of money, or other bond or warrant, draft, bill or promissory note for the payment of money; or shall steal and take out of any letter or packet with which he shall have been so entrusted, or which shall have so come to his hands or possession, the whole or any part of such bank note, &c. (as above enumerated) every such offender shall be guilty of felony without benefit of clergy. And by s. 3. *if any person shall

a. 3.
Stealing from carriage, post-boy, or post-office, &c. any letter, &c. a capital felony.

steal and take away from any carriage, or from the possession of any person employed to convey letters sent by the post of Great Britain, or from or out of any post office, or house or place for the receipt or delivery of letters or packets, or bags or mails of letters sent or to be sent by such post, any letter or packet, or bag or mail of letters, sent or to be sent by such post, or shall steal and take any letter or packet out of any such bag or mail, every such offender shall be guilty of felony without benefit of clergy; and such offence shall and may be inquired of, &c. either in the county where the offence shall be committed, or where the party shall be apprehended. And by s. 4. if any person shall counsel, command, hire, persuade, procure, aid or abet any such deputy, &c. (as in s. 2.) to commit any of the offences herein-before mentioned, or shall, with a fraudulent intention, buy or receive the whole or any part of any such security or instrument as herein-before described, which shall have been contained in, and which, at the time of buying or receiving thereof, he shall know to have been contained in any such letter or packet so secreted, embezzled, stolen or taken by any deputy, &c. or which such person

s. 4.
Assisting persons employed under the post-office in committing the offences in s. 2 & 3. mentioned; or knowingly receiving, &c. any security, &c. embezzled as in s. 1. mentioned, a capital felony.

* This clause supersedes the 2nd section of the 7 Geo. 3. c. 50. Eng. side Digest vol. II. p. 955.

person shall, at the time of his buying or receiving thereof, know to have been contained in and stolen and taken out of any letter or packet stolen and taken from any mail or bag of letters sent and conveyed by such post, or from any post office, or house or place for the receipt or delivery of letters or packets, or bags or mails of letters sent or to be sent by such post; every such offender shall be adjudged guilty of felony without benefit of clergy; and shall and may be tried, &c. as well before as after the trial or conviction of the principal felon, and whether such principal felon shall be apprehended, &c. or not.

P. 954. l. 20. The 56 Geo. 3. c. 73. U. K. recites, that great difficulties have been experienced in prosecuting to conviction persons who have stolen property from mines, by reason of the rule of law that prevails in England, for setting forth, in indictments for larceny, the names of all the persons who are owners of or interested in the property stolen; and enacts, that it shall be deemed sufficient for the conviction of any offender charged in any indictment with grand or petty larceny for or on account of stealing any minerals, or any timber, iron, or other materials used in or for the working of mines, being the personal property of any company or adventurers carrying on the same, to allege and aver that the minerals, &c. so stolen, are the property of some one or more of the partners or adventurers in such mining concern, and others his or their partners or co-adventurers, without naming such other partners, &c. which shall be as effectual as if the same were averred to be the property of all the owners, and as if the names of all such owners were distinctly set forth.

In indictments for stealing property from mines, not necessary to set out the names of all the partners or part owners.

56 Geo. 3. c. 73. U. K.

P. 958. l. 3. It is one of the provisions of the annual lottery act (57 Geo. 3. c. 31. s. 58.) that every person who shall steal or take by robbery any ticket, or any share or chance of any ticket, made, shared, or issued under the authority of this act, being the property of any person or persons, or of any corporation, shall be deemed to be guilty of felony of the same nature and in the same degree, with or without benefit of clergy, in the same manner as if such offender had stolen, &c. any other goods or chattels of like value with the ticket, &c. which shall have

Stealing lottery tickets or shares, &c. a felony of the same nature as stealing other goods of like value.

57 Geo. 3. c. 31. s. 58. U. K.

s. 59.
No attainder
for felony, un-
der this act, to
work corruption
of blood, &c.

have been so stolen, &c.; and such offender shall suffer such punishment as he should or might have done if he had stolen other goods of the like value. Provided (s. 59.) that no attainder for any offence hereby made felony, shall make or work any corruption of blood, loss of dower or disherison of heirs.

The 48 Geo. 3.
c. 130. and 49
Geo. 3. c. 122.
continued for 7
years, &c.

53 Geo. 3. c. 87,
s. 1. G. B.

s. 2.
Reports of
wrecks, &c. to be
made to the
deputy vice ad-
miral, or corpo-
ration of Tri-
nity House,
Deptford Strond,
by lords of ma-
nors, &c. before
appropriating
such wrecks,
&c.

P. 969. l. 12. The 53 Geo. 3. c. 87. s. 1. G. B. conti-
nues the 48 Geo. 3. c. 130. and 49 Geo. 3. c. 122. (which
are partially abridged in Digest p. 968--9 and Addenda
p 123.) or 7 years from the passing of this act, (July 2, 1813,) and to the end of the then next ensuing session of parliament.

And by s. 2. provides, that no lord of any manor, or other person who may be entitled to, or claim to be entitled to, wreck of the sea, or to any goods found jetsam, flotsam or lagan, shall be entitled to appropriate such wreck or goods to his own use, or otherwise to dispose thereof, until he shall have caused a report thereof, in writing, to be given to the deputy vice admiral of that part of the coast where the same shall be stranded, wrecked or found, or to his agent, or if there shall be no such deputy vice admiral or agent residing within 50 miles, then to the corporation of the Trinity House, Deptford Strond, which report shall contain an accurate description of such wreck, &c. and of the place or places, and time or times, of finding the same, and of any marks that may be thereon, and of such other particulars as may the better enable the owners thereof to recover the same, and also of the place or places where the same are deposited, and may be examined by any person claiming right thereto, nor until the expiration of a year and a day after the delivery of such notice; and the deputy vice admiral or agent shall, within 48 hours after receiving such report, transmit a copy thereof to the secretary of said corporation, upon pain of forfeiting, for any neglect to transmit such account, £50. to any person who will sue for the same; and the said secretary shall cause such account to be placed in some conspicuous situation for the inspection of all persons; provided that nothing herein shall repeal any of the provisions of the 52 Geo. 3. c. 159. an act for charging foreign liquors and tobacco de-
relict

relict, &c. with the duties payable on importation of said liquors, &c. And by s. 3. when any goods which shall be found or taken possession of by any lord of any manor, or person claiming to be entitled to wreck of the sea, &c. or his agent or servant, or by any vice admiral, or his deputy or agent, or by any officer or other person acting under the authority of the 48 Geo. 3. c. 130. or 49 Geo. 3. c. 122. shall be of so perishable a nature, or so much damaged, that the same cannot be kept, then such goods shall and may, at the request of any of the persons concerned therein, or in the saving or preserving thereof, with the consent of some justice of peace not interested in the same, or in the saving thereof, and in the presence of such justice or some person specially appointed by such justice, be sold by public auction or private contract, as such justice may direct by writing under his hand, which writing shall contain an accurate account of the goods and any marks thereon, or other particulars belonging thereto, and of the times and places of the finding and intended sale thereof; and the money raised by such sale, after defraying the reasonable expenses of such sale, to be settled by such justice, shall be deposited with the lord of the manor, or other person, or deputy vice admiral, who would have received the custody of the goods so sold, to abide the claims of all persons, in like manner as such goods would be subject if remaining unsold: provided that all persons required to transmit reports to the deputy vice admiral, of the finding of any goods, shall, in case of any such sale, likewise transmit to him an account of such sale and the proceeds thereof; and the said deputy vice admiral shall forward such reports to the secretary of the Trinity House, &c. within the like periods, and subject to the like penalties for neglect therein, as in cases of any goods found and required to be reported under the said recited act and this act. By s. 4. it shall be lawful for the deputy vice admiral of the part of the coast where any ship or vessel shall be stranded or wrecked, or where any wreck of the sea or goods shall be cast on shore, and for his agent, and also for the owner or master of such ship, &c. and for the owners of any such goods, or of any part thereof, and for any officer of the customs

s. 3.

*Perishable goods
sold with consent
of a justice of
peace.*

*Money deposit-
ed in the hands
of the lord of
manor, &c.*

s. 4.

*What persons,
&c. may pass
over lands near
coast where ves-
sels are wrecked,
for preservation
of wreck, &c.*

customs or excise, and other officer, and for all persons acting in aid of any such deputy vice admiral, officer, master, or owner, in the saving or recovering any such ship, &c. or the cargo, stores, tackle or other articles belonging to the same, or the preserving the lives of the crew or persons belonging thereto, or of any wreck as aforesaid, to pass and repass with their horses, carts, carriages, or servants, over any lands near to the part of the sea coast where such vessel shall be so wrecked or stranded, or on which such wreck shall be cast, without interruption or obstruction by the owner or occupier thereof, for the purpose of rendering assistance in saving, &c. any such ship, &c. or goods or stores, or any cables, &c. or other articles belonging to any ship, or for saving or otherwise assisting in preserving the lives of the crew, or of any persons on board of any such ship, &c. or for the securing, for the benefit of the owners thereof, of any wreck, or goods, &c. cast on shore, or found on shore or near thereto, (provided there shall be no road by which the parties may pass and repass, with as much convenience and expedition as over such lands,) and also to place any planks, timber, or any part of the wreck, or any goods or stores removed or saved from any such ship, &c. or any other wreck or goods aforesaid, upon any such land for a reasonable time, until they can be removed to some warehouse or safe place of deposit, making compensation to the occupier of such lands for any damage done by the means aforesaid, which shall be a charge upon the wreck, &c. in respect whereof the damage may be done, in like manner as salvage; and in case the parties cannot agree as to the amount thereof, then the same shall be ascertained by 2 justices of peace, or a third person to be named by them, in such manner, and within such times, as the amount of salvage is directed to be ascertained by the 49 Geo. 3. c. 122. And by s. 5. if any owner or occupier of any land or premises shall interrupt, impede or hinder any person from passing over his land, &c. with horses, &c. for the purposes before mentioned, or any of them, by locking his gates, or refusing upon request to open the same, or otherwise, or shall obstruct or hinder the placing any wrecks, &c. upon his

s. 5.
Penalty for obstructing such persons, &c. to pass or repass.

his land, or shall prevent their remaining there for a reasonable time, until the same can be removed to some warehouse or safe place of public deposit, such occupier shall forfeit to any person who will sue for the same, £100. to be recovered by action of debt. This act (s. 6.) recites,

s. 6.

that questions have arisen as to the jurisdictions of the courts of record at Westminster, and of the high court of admiralty, in cases of salvage of ships and goods performed between high and low water mark; and enacts, that such questions in relation to salvage, &c. shall be deemed to be within the jurisdiction of the court of admiralty, or of his majesty's courts of record at Westminster. By s. 7. in

Questions respecting salvage of ships, &c. between high and low water mark, cognizable by court of admiralty, or courts at Westminster,

s. 7.

every case in which any damage shall be done by any foreign ship or vessel to any British ship or vessel, barge, boat or other craft, or any buoy or beacon, in any harbour, port, river or creek, and it shall appear, on a summary application made to any justice of any court of record at Westminster, or to the judge of the high court of admiralty, that such damage has arisen by the misconduct or negligence of the master or mariners of such foreign ship, &c. then it shall be lawful for such judge to cause such foreign ship, &c. to be detained, until the master or owner, or consignee, or some agent of such master, &c. shall undertake to appear and be defendant in any action which may be brought for such damage, and give such sufficient security, by bail or otherwise, for all costs and damages, (if recovered,) as shall be directed and ordered by such judge, if it shall, upon the trial, appear that such loss shall have arisen from such negligence, &c.; and in such action, the person giving security shall be made defendant, and shall be stated to be the owner of the foreign ship, &c. doing such damage; and it shall not be necessary to give any other evidence of the liability of such person, than the production of the order of the judge made in relation to such security as aforesaid. By s. 8. all penalties and forfeitures

Where damage done by foreign vessel in harbour &c. vessel detained until owner, &c. undertakes to appear and defend action, and gives security for costs and damages.

s. 8.

above £20. or which by the 48 Geo. 3. c. 130. 49 Geo. 3. c. 122. or this act, are made to be recoverable by action or suit, shall and may be sued for, &c. in any court of record at Westminster.

Penalties under salvage acts, how recovered.

P. 1005. l. 8. The 30 Geo. 2. c. 24. Eng. is amended

VOL. II.

3 H

by

Obtaining bonds or other securities, or any order for payment of money or delivery of goods, under false pretences, liable to like punishment as obtaining money or goods under false pretences.

52 Geo. 3. c. 64.
G. B.

by the 52 Geo. 3. 64. G. B. which enacts, that all persons who knowingly and designedly, by false pretence, shall obtain from any person, or from any body corporate, any money, goods, wares or merchandizes, or any bond, bill of exchange, bank note, promissory note, or other security for the payment of money, or any warrant or order for the payment of money or delivery or transfer of goods, or other valuable thing, with intent to cheat or defraud any person or body corporate ; or shall knowingly send or deliver any letter or writing, with or without a name subscribed thereto, or signed with a fictitious name or names, letter or letters, threatening to accuse any person of any crime punishable by law with death, transportation, pillory, or other infamous punishment, with intent to extort or gain any bond, &c. or other security for money, or any warrant or order for the payment of money or delivery or transfer of goods or other valuable thing, shall be deemed offenders against law and the public peace, and shall be liable to be prosecuted and punished in like manner as if they had knowingly and designedly, by false pretence, obtained money, goods, wares or merchandize, from any person, with intent to cheat or defraud any person of the same, or had sent or delivered such letter or writing, with intent to extort money, &c. from the person so threatened.

Entering house &c. to cut or destroy frame-work knitted pieces, &c. or to break, &c. any frame, &c. or destroying or cutting frame-work knitted pieces, or breaking, &c. such frames, &c. or machinery of any mill used in stocking or lace manufactory, a capital felony.

57 Geo 3. c. 126.
E.

P. 1023. l. 5. The 57 Geo. 3. c. 126. E. enacts, (s.2.) * that if any person shall, by day or by night, enter by force into any house, shop, or place, with an intent to cut or destroy any frame-work knitted pieces, stockings, lace, or other articles or goods, being in the frame, or upon any machine or engine thereto annexed, or therewith to be used or prepared for that purpose, or with intent to break or destroy any frame, machine, engine, tool, instrument or utensil used in and for the working and making of any such frame-work knitted pieces, &c. or other articles or goods in the hosiery and frame-work knitted manufactory ; or shall wilfully and maliciously, and without having the consent or authority of the owner, destroy, or cut with intent

* This act (s. 1.) repeals the 54 Geo. 3. c. 42. save as far as it repeals the 12 Geo. 3. c. 16 and save as to things done before the passing of this act.

intent to destroy or render useless, any frame-work knitted pieces, &c. or other articles, being in the frame, or upon any machine or engine as aforesaid, or prepared for that purpose; or shall wilfully and maliciously, and without the consent or authority of the owner, break, destroy, or damage with intent to destroy or render useless, any frame, machine, engine, tool, instrument or utensil used in and for the working and making of any such frame-work knitted pieces, stockings, lace, or other articles or goods in the hosiery or frame-work knitted stockings or frame-work lace manufactory; or shall wilfully and maliciously, and without the consent or authority of the owner, break or destroy any machinery contained in any mill used or any way employed in preparing or spinning of wool or cotton, or other materials, for the use of the stocking or lace manufactory, every such offender shall be guilty of felony without benefit of clergy. By s. 3.

this act shall continue in force until the 1st August, 1820. s. 3.
Act to be in
force till 1st
August, 1820,

P. 1053. l. 25. The 52 Geo. 3. c. 138. U. K. recites, (s. 5.) that divers frauds have been practised by making and publishing papers with certain words and characters so nearly resembling the notes and bills of the governor and company of the bank of England, as to appear to ignorant and unwary persons to be the notes, &c. of the said governor and company; and therefore provides, that if any person, after the 1st day of August, 1812, shall engrave, cut, etch, scrape, or by any other means or device make, (or cause, &c.) or shall knowingly aid or assist in the engraving, &c. in or upon any plate of copper, brass, steel, pewter, or of any other metal or mixture of metals, or upon wood or other materials, or upon any plate, any word, figure or character, the impression taken from which shall resemble or be apparently intended to resemble the whole or any part of any of the notes or bills of the said governor and company, commonly called "Bank Notes and Bank Post Bills," or shall contain any word, number, figure or character, in white on a black, sable or dark ground, without an authority in writing for that purpose from the said governor and company, to be produced and proved by the party Persons engraving plates, &c. with words, &c. to resemble bank of England notes and post bills, or using any device for that purpose, or having such plates, &c. or uttering or having paper, &c. with words, &c. resembling such notes, &c. transported for 14 years.
52 Geo. 3. c. 138.
s. 5. G. B.

party accused, or shall (without such authority) use any such plate, wood, or other material so engraved, &c. or shall use any other instrument or device for the making or printing upon any paper, or other material, any word, figure or character, which shall be apparently intended to resemble the whole or any part of any of the said notes or bills of the said governor and company, or any word, &c. in white on a black, sable or dark ground ; or if any person shall, after August 1, 1812, without such authority as aforesaid, knowingly have in his custody any such plate, instrument, or device, or shall knowingly and wilfully utter, publish, or dispose of or put away any paper or other material containing any such word, &c. or shall knowingly or wittingly have in his custody or possession any paper or other material containing any such word, &c. as aforesaid, without lawful excuse, (the proof whereof shall lie upon the person accused), every such offender shall be adjudged a felon, and be transported for 14 years. Provided, (s. 6.) that nothing in this act shall apply to any paper or writing, (other than papers or writings resembling such notes or bills as aforesaid) containing an impression from any plate or other device, with white letters upon black, sable or dark ground, which shall, previous to the passing of this act, (20th July, 1812) have been in the custody of any person or persons. But the 53 Geo. 3. c. 139. U. K. recites the 52 Geo. 3. c. 138. s. 5. *supra*, and that many bankers have, in ignorance of the provisions of said act, made, issued, and circulated promissory notes, containing white letters or figures, on a black, sable, or dark ground; and therefore provides, that no person shall be liable to prosecution by virtue of the 52 Geo. 3. c. 138. for having before the passing of this act (13th July, 1813,) engraved, cut, etched, scraped, or made, or caused or procured to be engraved, &c. by authority of any person acting as a banker, any promissory note, or part of a promissory note, for payment of money, the impression taken from which may contain any word, number, figure or character, in white on a black, sable, or dark ground ; or for having made or printed by such authority as aforesaid, before the passing of this act. any such promissory note, or part of a promissory

s. 6.
Proviso.

53 Geo. 3. c. 139.
 U. K.
*Bankers, &c.
 indemnified for
 having, before
 the passing of
 this act, ignor-
 antly issued
 notes, &c. con-
 taining white
 letters or figures
 on black ground.*

sory note ; or for having heretofore issued or circulated any such promissory note, or having heretofore had any such promissory note in his possession or custody, or who shall, before November 1, 1816, issue or circulate, or have in his possession or custody, any such promissory note, the date whereof shall not be later than the 1st day of November, 1813: Provided that nothing herein shall repeal or suspend any provision of said act, respecting the engraving cutting, etching, scraping or making any words, figures or characters, the impression whereof may resemble, or be apparently intended to resemble, the whole or any part of any of the notes or bills of the governor and company of the bank of England, called "Bank Notes" or "Bank Post Bills;" or the using any plate or other material, upon which any such word, figure or character may be engraved, &c. or the using any other instrument or device for making or printing any such word, &c. or the having any such plate, instrument or device, in custody or possession; or the uttering, publishing, disposing of or putting away, or the having in custody or possession, any paper or other material containing any such word, &c.; Provided also, that nothing herein shall repeal or suspend any provision contained in the 13 Geo. 3. c. 79. (see Digest, vol. II. p. 1052.)

*Time extended
to 1st November,
1816, for cal-
ling in such
notes, &c.*

Proviso.

Proviso.

P. 1074. l. 23. The 57 Geo. 3. c. 79. U. K. which is "an act to permit the transfer of capital from certain public stocks or funds in Great Britain to certain public stocks or funds in Ireland," and which authorizes the bank of England and bank of Ireland, respectively, to give certificates of such transfers, or duplicates thereof when the originals are lost, &c. enacts, (s. 13.) that any person who shall forge or counterfeit, (or cause, &c.) or wilfully act or assist in the forging, &c. any such certificate or duplicate certificate, or shall alter any number, figure, or word therein, or shall utter or publish as true, any such false, forged, counterfeited or altered certificate, with intent to defraud the governor and company of the bank of England, or bank of Ireland, or any body corporate or person, shall be guilty of felony without benefit of clergy.

*Forging, &c.
certificates of
transfer from
funds in Great
Britain to funds
in Ireland, or
uttering such,
a capital felony;
57 Geo 3.c.79.
s. 13. U. K.*

P. 1075. l. 5. The 57 Geo. 3. c. 34. U. K. which authorizes the issue of exchequer bills, and the advance of money

*Forging &c.
certificates or
receipts directed*

*by this act, for
employing the
poor, a capital
felony.*

57 Geo.3.c.34.
s. 63. G. B.

money out of the consolidated fund, to a limited amount, for the carrying on of public works and fisheries in the united kingdom, and employment of the poor in Great Britain, in manner therein mentioned, provides (s.63.) that any person who shall forge, counterfeit, or alter, (or cause, &c.) or knowingly or wilfully act or assist in the forging, &c. any certificate of the commissioners for the execution of this act, or any of them, or any receipt to be given by the cashier or cashiers of the bank of England in pursuance of this act, or shall wilfully deliver any such forged, &c. certificate or receipt to the auditor of the exchequer in Great Britain, or to the vice treasurer in Ireland, or to any officer appointed by them or either of them, or to the commissioners for the execution of this act, or any of them, or to any officer appointed by them, or any of them, or shall utter any such forged, &c. receipt, knowing the same to be forged, &c. with intent to defraud the king, or any body corporate or person, shall be guilty of felony without benefit of clergy.

*Forging, &c.
certificate, &c.
for redemption
or sale of land
tax, a capital
felony.*

52 Geo.3.c.143.
s. 6. G. B.

P. 1077. l. 6. It is one of the provisions of the 52 Geo.3. c. 143. G. B. *ante* p. 423. that if any person shall forge, counterfeit or alter, (or cause, &c.) or knowingly or wilfully act or assist in the forging, &c. any contract, assignment, certificate, receipt, or attested copy of any certificate made out or purporting to be made out by any person authorized to make out the same by any act of parliament touching the redemption or sale of the land tax, or of any part thereof; or if any person shall wilfully utter any such forged, &c. contract, &c. knowing the same to be forged, &c. with intent to defraud the king, or any body corporate or person, such offender shall be adjudged guilty of felony without benefit of clergy. And the 54 Geo. 3.c.70, G. B. which is "an act for the further improvement of the land revenue of the crown," enacts, (s. 38.) that any person who shall forge, counterfeit or alter, (or cause, &c.) or knowingly and wilfully act or assist in forging, &c. the name of any person in or to any transfer of any bank annuities or funds by this act authorized or directed to be sold, assigned, transferred or disposed of, or to any receipt or discharge for any dividends or payments due or to become due thereon, or to any letter of attorney, war-
rant

54 Geo. 3.c.70.
s. 38. G. B.

*Forging, &c.
transfers of any
bank annuities,
&c. by this act
directed to be
sold, &c. a ca-
pital felony,*

rant or other instrument to sell, assign, transfer, or dispose of any such bank annuities, &c. or to receive any dividends, &c. thereon, or to any letter of attorney, draft, warrant, instrument or writing, for or in order to the receiving any money which is or shall be in the custody of the bank of England, or of any other person, under any of the provisions of this act, or shall produce, utter or publish any such letter of attorney, &c. knowing the same to be forged or counterfeited, with intent to defraud the king, or the said governor and company, or any other person, shall be guilty of felony without benefit of clergy.

P. 1077. l. 7. The 57 Geo. 3. c. 31. U. K. contains clauses corresponding to those of the 48 Geo. 3. c. 139. *Forging, &c. lottery tickets, &c.*
s. 11. 12. 13. 33 & 39. save that in the 57 Geo. 3. c. 31. *57 Geo. 3. c. 31. U. K.*
s. 11 & 12. the word "letter" is added after the words
 "number, figure or word."

P. 1080. l. 39. The 52 Geo. 3. c. 143. G. B. (*ante p. 423.*) enacts (*s. 7.*) that if any person shall forge or counterfeit (or cause, &c.) any mark, stamp, die or plate, which, in pursuance of any act of parliament, shall have been provided, made or used, by or under the direction of the commissioners appointed to manage the duties on stamped vellum, parchment, and paper, or by or under the direction of any other person legally authorized in that behalf, for expressing or denoting any duty, or any part thereof, which shall be under the care and management of the said commissioners, or for denoting or testifying the payment of any such duty, or any part thereof, or for denoting any device appointed by the said commissioners for the ace of spades, to be used with any playing cards; or shall forge or counterfeit (or cause, &c.) the impression, or any resemblance of the impression of any such mark, &c. upon any vellum, parchment, paper, card, ivory, gold or silver plate, or other material; or shall stamp or mark (or cause, &c.) any vellum, &c. or other material, with any such forged or counterfeited mark, &c. with intent to defraud the king of any of the duties, or any part of the duties, under the care, &c. of said commissioners; or if any person shall utter or sell, or expose to sale, any vellum, &c.

or

or other material, having thereupon the impression of any such forged or counterfeited mark, &c. or any such forged or counterfeited impression as aforesaid, knowing the same, respectively, to be forged, &c.; or if any person shall privately or secretly use any such mark, &c. which shall have been so provided, made or used, by or under such direction as aforesaid, with intent to defraud the king of any of the duties, or any part of the duties, under the care, &c. of the said commissioners, every such offender shall be adjudged guilty of felony without benefit of clergy. And the 54 Geo. 3. c. 133. G. B. which is an

54 Geo 3. c. 133.
s. 10. G. B.

*Forging name,
&c. of under-
writer, to obtain
allowances for
spoiled stamps
on policies of in-
surance, how
punished.*

act for the better enabling the commissioners of stamps to make allowances for spoiled stamps on policies of insurance in Great Britain, and for preventing frauds relating thereto, enacts, (s. 10.) that if any person shall forge or counterfeit, (or cause, &c.) or willingly aid or assist in the forging, &c. of the name or hand writing of any underwriter on any policy of insurance, to any declaration of any return of the premium on such policy or any part thereof; or shall fraudulently alter, or cause or procure to be altered, or aid or assist in altering any such declaration, after the same shall have been signed by any underwriter, or shall utter or make use of any such declaration, knowing the same to have been fraudulently altered, or the name or hand writing of any underwriter to have been forged thereon for the purpose of obtaining any such allowance as aforesaid, and with intent to defraud the king, every such offender shall, for the first offence, forfeit £500. to the king, to be recovered in the same manner as other penalties imposed by any of the laws now in force relating to stamp duties, and for the second and every other offence, shall be adjudged guilty of felony, and be transported for 7 years. And the 55 Geo. 3. c. 184. G. B. which is "an

*Forging, &c.
stamps or dies,
or part thereof,
or the impres-
sion, or part of
the impression,
&c. or uttering,
&c. the same, or
privately using
any stamp, &c.
with intent to
defraud the king*

act for repealing the stamp duties on deeds, law proceedings, and other written or printed instruments, and the duties on fire insurances, and on legacies and successions to personal estate upon intestacies, now payable in Great Britain, and for granting other duties in lieu thereof," enacts (s. 7.) that if any person shall forge, or counterfeit, (or cause, &c.) any stamp or die, or any part of any stamp, &c.

&c. which shall have been provided, made or used in pursuance of this or any former act relating to stamp duties, or shall forge, counterfeit or resemble, (or cause, &c.) the impression or any part of the impression of any such stamp, &c. upon any vellum, parchment or paper, or shall stamp or mark, (or cause, &c.) any vellum, &c. with any such forged stamp, &c. or part of any stamp, &c. with intent to defraud the king of any of the duties hereby granted, or any part thereof; or if any person shall utter or sell, or expose to sale, any vellum, &c. having thereupon the impression of any such forged stamp, &c. or part of any stamp, &c. or any such forged or resembled impression or part of impression as aforesaid, knowing the same respectively to be forged, &c.; or if any person shall privately and secretly use any stamp, &c. which shall have been so provided, &c. with intent to defraud the king of any of said duties, or any part thereof; or if any person shall fraudulently cut, tear, or get off, or cause to be cut, &c. the impression of any stamp, &c. which shall have been provided, &c. in pursuance of this or any former act, for expressing or denoting any duty under the care and management of the commissioners of stamps, or any part of such duty, from any vellum, &c. with intent to use the same for or upon any other vellum, &c. or any instrument or writing charged or chargeable with any of the duties hereby granted; every such offender, and every person knowingly and wilfully aiding, &c. any person in committing any such offence, shall be guilty of felony without benefit of clergy.

And the 55 Geo. 3. c. 185. G. B. which repeals the stamp duties on advertisements, almanacks, newspapers, gold and silver plate, stage coaches, and licenses for keeping stage coaches, payable in Great Britain, and grants new duties in lieu thereof, enacts, (s. 6.) that if any person shall forge or counterfeit, (or cause, &c.) any plate, stamp or die, or any part of any plate, &c. which shall have been provided, made, or used in pursuance of this or any former act, for expressing and denoting any of the duties granted by this or any former act, on almanacks, newspapers, and licenses to keep stage coaches, or any part thereof; or if any person shall utter or sell, or expose to sale

of the duties hereby granted, a capital felony.
 55 Geo. 3. c. 184.
 s. 7. G. B.

Fraudulently cutting, &c. the impression of any stamp, &c. used in pursuance of this, or any former act, with intent to use the same on other vellum, &c. a capital felony.

55 Geo. 3. c. 185.
 s. 6. G. B.
Forging, &c. any plate, stamp or die, or part thereof, for denoting duties on almanacks, &c. under this or former acts, or the impression, &c. or uttering, &c. any paper with the impression of such forged plates, &c. or privately using any plate, &c. a capital felony.

any

any paper having thereupon the impression of any such forged or counterfeited plate, &c. or any such forged, &c. impression or part of impression as aforesaid, knowing the same respectively to be forged, &c. or if any person shall privately and secretly use any plate, &c. which shall have been so provided, &c. with intent to defraud the king, every such offender, and every person knowingly aiding, &c. in committing any such offence, shall be guilty of felony without benefit of clergy.

Persons forging, &c. type, die, mark or stamp for denoting any stamp duties whether in force or not, or being possessed thereof, or impressing any vellum, &c. therewith, or being possessed of any vellum, &c. with such counterfeit device, &c. thereon, or any officer fraudulently impressing stamps, &c. or having in his possession vellum, &c. fraudulently stamped, transported for life.

56 Geo. 3. c. 56. s. 37. I.

P. 1080. l. 39. The 56 Geo. 3. c. 56. I. which repeals the several stamp duties in Ireland, and the several acts for their collection, &c. enacts, (s. 37.) that if any person in any part of the united kingdom of Great Britain and Ireland, or of any of the dominions thereto belonging, shall counterfeit or forge, (or cause, &c.) any type, die, mark or stamp, to resemble or represent, or be mistaken for any type, &c. heretofore kept or used, or hereafter to be kept, &c. at the stamp office in Dublin, for denoting the charging or marking on vellum, parchment or paper, or other matter directed to be stamped, any of the stamp duties payable under any act which has been or shall be in force in Ireland, although such act may not be in force, or such type, &c. may not be kept or used at said office at the time of such forging, &c.; or if any person (save such as shall be lawfully entitled and authorized to have and use the same for the purpose of stamping vellum, &c.) shall have in his possession any type, &c. made to resemble, &c. any type, &c. heretofore kept, &c. or hereafter to be kept, &c. at said stamp office, for denoting the charging or marking on vellum, &c. any of the said stamp duties, although such type, &c. shall not be then kept, &c. at said stamp office, or the duty denoted thereby shall not be then payable in Ireland; or if any person shall mark or impress (or cause, &c.) on any vellum, &c. any device, &c. to resemble, &c. any device, &c. which has been or shall be used, kept or made, marked or impressed, at the stamp office in Dublin, for denoting the charging or marking on vellum, &c. any of the said stamp duties so payable under any act of parliament which shall be or shall have been in force in Ireland

Ireland at or before the time when such mark, &c. shall have been so used, &c. at said office, although such act may not be in force, or such device, &c. may not be used, &c. at said office, at the time of such offence committed; or if any person shall use, utter, vend or sell, (or cause, &c.) or shall have in his possession with intent to use, &c. any vellum, &c. with any counterfeit device, &c. to resemble, &c. any device, &c. which has been or shall be used at said stamp office, for the purposes aforesaid, or any of them, although not then used or kept for said purposes, or any of them, or although the duty denoted thereby shall not be then payable in Ireland, knowing such device, &c. to be counterfeited; or if any officer, in the employment of the commissioners of stamps, or any other person, shall, with intent to defraud the king, mark or impress, (or cause, &c.) or be aiding, &c. in marking, &c. or causing, &c. to be marked, &c. any stamp, mark or impression denoting any of the said stamp duties on any vellum, &c. not delivered to him by or by authority of said commissioners for the purpose of being stamped with any type, &c. although such type, &c. shall not be then kept at said stamp office, or the duty denoted thereby shall not be then payable in Ireland; or if any person shall, with intent to defraud the king, knowingly have in his possession any vellum, &c. so fraudulently stamped or marked with any mark or stamp to denote any of the aforesaid duties, every such offender shall be adjudged a felon, and be transported for life. And by s. 38. whenever any vellum, &c. shall be found in the possession of any person licensed to deal in and retail stamps in Ireland, or who shall have been so licensed within 6 calendar months then next preceding, having impressed thereon any counterfeit device, &c. to resemble or represent, or intended or liable to be mistaken for any device, &c. which has been or shall be used, &c. at said stamp office for the purposes aforesaid, or any of them, although such device, &c. shall not then be used or kept for said purposes, or any of them, or although the duty denoted thereby shall not be then payable in Ireland, such person shall be deemed to have so had the same with intent to use, utter, or vend the same

unless

s. 38.

Licensed dealers in stamps having counterfeit stamps in their possession, deemed to have had them with a felonious intent, unless the contrary be satisfactorily proved.

unless the contrary shall be satisfactorily proved, and shall also be deemed to have had such vellum, &c. in his possession, knowing the stamps, devices, &c. thereon to be forged, false and counterfeited, and shall be liable to all penalties and punishments by law imposed upon persons using, uttering, or vending false, &c. stamps, or having such false, &c. stamps in their possession, knowing the same to be forged, unless such person shall satisfactorily prove that such vellum, &c. and the stamps thereon, wa^s or were procured by or for such person at the stamp office in Dublin, or from some distributor of stamps in Ireland.

s. 39.

Houses of persons suspected of having forged dies or stamps, &c. may be searched,

And by s. 39. on complaint made before a justice of peace upon oath, &c. that there is just cause to suspect any person of being or having been concerned in making any false or counterfeit type, &c. or of unlawfully having any such type, &c. in his possession, or of unlawfully marking or impressing any vellum, &c. with any such device, &c. or of unlawfully having in his possession any vellum, &c. with any counterfeit device, &c. thereon, or of unlawfully or fraudulently marking or impressing, (or causing, &c.) or of aiding, &c. in marking, &c. or causing to be marked, &c. any stamp, &c. on any vellum, &c. not delivered to him under the authority of said commissioners, or of knowingly having in his possession any vellum, &c. unlawfully or fraudulently stamped or marked contrary to any of the purposes or regulations contained in this act, or in any other act relating to the stamp duties in Ireland, it shall be lawful for such justice, by warrant under his hand, to cause the dwelling-house, room, work-shop, out-house, or other building, yard, garden, or other place belonging to such suspected person, or where any such person shall be suspected to carry on any such marking or counterfeiting, or to secrete any such type, &c. or any such vellum, &c. or any of the machinery necessary or applicable for or to the making any such impression, to be searched; and if any of the said matters and things shall be found in any place so searched, or in the custody of any person not having the same by some lawful authority, it shall be lawful for the person so finding (and he is required) to seize and carry the same, forthwith, to the justice by whom such warrant

warrant shall be granted, or to any other justice of peace of the county, &c. where the same shall be seized, who shall cause the same to be secured and produced in evidence against any person who shall be prosecuted for any of the offences aforesaid, in some court of justice proper for the determination thereof; and afterwards the things so seized, whether so produced in evidence or not, shall, by order of the court where such offender shall be tried, or by order of some justice of peace, in case there shall be no such trial, be defaced or destroyed, or otherwise disposed of, as such court or justice shall direct. And by s. 52. if any person, not being an officer, workman, servant or agent, for the time being, of the said commissioners, and appointed for that purpose, and for their use only, shall make or use, (or cause, &c.) or knowingly aid or assist in making, &c. or, without being authorized as aforesaid, shall knowingly have in his custody or possession, without lawful excuse, (the proof whereof shall lie on the person accused,) any frame, mould, or instrument for the making of paper, in the substance whereof the words "Stamp Office" or the greater part of such words would be visible, or any device or distinction peculiar to or appearing in the substance of the paper which shall from time to time be used by said commissioners; or shall make (or cause, &c.) or knowingly aid or assist in making paper, in the substance whereof there shall be visible the said words "Stamp-Office," or the greater part of such words, or any such device, &c. peculiar to and appearing in the substance of the paper which shall be so used by said commissioners; or if any person, not being authorized as aforesaid, shall knowingly have in his custody or possession, without lawful excuse, (the proof whereof shall be on the person accused) any paper in the substance whereof there shall be visible the words "Stamp Office," or the greater part of such words, or any device, &c. peculiar to and appearing in the substance of paper so used by said commissioners; or if any person, not being authorized as aforesaid, shall by any art, device, mystery or contrivance, cause or procure, or knowingly aid or assist in causing to appear in the substance of any paper, the words "Stamp Office," or the greater part of such words,

s. 52.

Persons (not authorized, &c.) having in their possession any frames, &c. for making paper with devices peculiar to that used at the stamp office, or making, &c. paper with such devices, or having such paper in their possession, or causing any such devices to appear in paper, transported for life.

or

55 Geo. 3 c. 101.
s. 4. I.

*Persons guilty
of forgery, &c.
in respect to the
marks, stamps
or seals used on
dice or cards,
or the wrappers
of cards, or
fraudulently
using true
marks, &c. tran-
sporting for 7
years.*

or any such device, &c. peculiar to and appearing in the substance of the paper which shall be so used by said commissioners, every such offender shall be adjudged a felon, and be transported for the term of his life. The 55 Geo. 3. c. 101. I. which is "an act to regulate the collection of stamp duties in matters in respect of which licenses may be granted by the commissioners of stamps in Ireland," enacts, (s. 41.) that if any person shall make, counterfeit or forge, (or cause, &c.) any mark, stamp, or seal, to resemble any mark, &c. which shall be used by or under the authority of said commissioners, for stamping, &c. any dice or cards, or any label or paper enclosing any cards, or shall counterfeit or resemble the impression of the same, respectively, upon any dice or card, or on any paper for enclosing cards, or shall erase or alter any number to be put on such paper or label, with intent to defraud the king of the duties upon dice or cards; or shall utter, vend or sell any dice or cards with the impression of such counterfeit mark, &c. or on the paper or label enclosing such cards, knowing the same to be counterfeited, or shall utter, &c. any cards on the paper or label enclosing which any number shall be erased or altered, knowing the same to be erased, &c.; or shall fraudulently use any mark, &c. to be used in pursuance of this act, thereby to defraud the king of any of the duties upon dice or cards, every such offender shall be adjudged a felon, and be transported for seven years.

*Falsely as-
suming the
names or cha-
racters of sea-
men or marines,
&c. or counter-
feiting letters of
attorney, or ut-
tering such, or
taking a false
oath to obtain
probate, &c. in
order to receive
pay or prize,
money, &c. or de-
manding, &c.
any pay, &c. by
virtue of a false*

P. 1082. l. 17. to p. 1087. l. 4. In order to bring into one act the several provisions made for the prevention and punishment of the crimes of personation and forgery for obtaining prize money,* the 57 Geo. 3. c. 127. U. K. enacts, (s. 4.) that if any person shall willingly or knowingly personate or falsely assume, or cause or procure any other person to personate or falsely assume the name or character of any commissioned officer, warrant or petty officer, or seaman, or any commissioned or non-commissioned officer of marines, or marine, or any other person entitled, or supposed to be entitled to any wages, pay, prize-money, bounty

* This preamble does not sufficiently embrace the object of this clause, which extends to wages, pay, &c. as well as prize money.

bounty-money, or other allowances of money for or in re-
spect of services performed, or supposed to have been per-
formed on board of any ship or vessel of the king, or the
wife, widow, executor or administrator, relation, or credi-
tor of any such officer, &c. in order to receive any wages,
&c. due or supposed to be due for or in respect of such
services so performed, or supposed to have been performed,
&c. or shall falsely make, forge, counterfeit or alter, (or
cause, &c.) or willingly act or assist in the false making,
&c. any letter of attorney, order, bill, ticket, certificate
of service, or other certificate, assignment, last will, or
other power or authority, in order to receive or to enable
any other person to receive any wages, &c. due or sup-
posed to be due for or in respect of the services of any
such officer, &c. performed, or supposed to have been per-
formed, &c. with intention to defraud any person or body
corporate ; or shall utter or publish as true, or aid or assist
in uttering, &c. as true, any false, forged, counterfeited or
altered letter of attorney, &c. will, or other power or au-
thority, in order to receive any wages, &c. due or sup-
posed to be due, for or in respect of such services, &c. of
any such officer, &c. performed or supposed to have been
performed, &c. with intent to defraud any person or body
corporate, knowing the same to be false, &c. ; or shall
willingly and knowingly take a false oath to obtain the
probate of any will, or letters of administration, in order
to receive or to enable any other person to receive any
wages, &c. due or supposed to be due for or in respect of
the services of any such officer, &c. performed or sup-
posed to have been performed, &c. or shall demand or re-
ceive any wages, &c. due, or supposed to be due, for or in
respect of the services of any such officer, &c. performed
or supposed to have been performed &c. upon or by vir-
tue of any probate of any will, or letters of administration,
knowing the will, on which such probate shall have been
obtained to be false, forged and counterfeited, or knowing
the probate of such will or such letters of administration,
as last aforesaid, to have been obtained by means of any
such false oath as aforesaid, with intention to defraud any
person or body corporate, every such offender shall be
guilty of felony without benefit of clergy. *P. 1087.*

*probate, &c. a
capital felony.
57 Geo 3.c.127.
s. 4. U. K.*

Personating soldiers, &c. or forging, &c. powers to obtain pay, &c. or prize money, or taking false oath, &c. to obtain probate, &c. to any soldier, or uttering any false power, or aiding therein, a capital felony.

54 Geo. 3, c. 86.
s. 43. U. K.

P. 1087. l. 27. The 54 Geo. 3. c. 86. U. K. which is an act for regulating the payment of army prize money, and to provide for the payment of unclaimed and forfeited shares to Chelsea hospital, enacts (s. 43.) that whosoever willingly and knowingly shall personate or falsely assume the name or character of, or procure any other to personate, &c. any officer, soldier, or other person entitled or supposed to be entitled to any wages, pay, or other allowances of money or prize money, for service done in his majesty's army, or the executor or administrator, wife, relation or creditor of any such officer, &c. in order to receive any such wages, &c. so due or supposed to be due for such service; or shall forge or counterfeit, or procure to be forged, &c. or aid or assist in forging, &c. any letter of attorney, bill, ticket, order, certificate, assignment, last will, or any other power or authority, in order to receive any such wages, &c. so due or supposed to be due; or shall willingly and knowingly take a false oath, or procure any other person to take a false oath to obtain the probate of any will, or to obtain letters of administration in order to receive the payment of any wages, &c. which shall be due or supposed to be due to any such officer, &c. who shall have really served or shall be supposed to have served in his majesty's army; or if any person shall utter or publish as true, or shall aid or assist in uttering or publishing as true, (or cause, &c.) any false, forged or counterfeited letter of attorney, &c. in order to receive any wages, &c. due or supposed to be due to any officer, &c. who shall have really served or shall be supposed to have served or shall hereafter serve, or be supposed to have served in his majesty's army, with intent to defraud any person or corporation, knowing the same to be false, &c. every such person shall be guilty of felony without benefit of clergy.

Making, &c. moulds, &c. or engraving, &c. stamps, &c. to resemble the marks, &c. used by the commissioners of excise, a capital felony.

52 Geo. 3. c. 143.
s. 9. G. B.

P. 1090. l. 18. The 52 Geo. 3. c. 143. G. B. *ante* p. 423. further enacts (s. 9.) that if any person, not being lawfully appointed or authorized so to do) shall make, (or cause, &c.) or shall knowingly aid or assist in the making, or, without being so appointed, &c. shall knowingly have in his custody or possession, without lawful excuse (the proof whereof

whereof, shall lie on the person accused) any frame, mould or instrument, for the making of paper, with the words "Excise Office" visible in the substance of such paper; or shall make (or cause, &c.) or knowingly aid or assist in the making any paper, in the substance of which the words "Excise Office" shall be visible; or if any person, (except as before excepted) shall by any art, mystery or contrivance, cause or procure the said words "Excise Office" to appear visible in the substance of any paper; or if any person, (not being so appointed, &c.) shall engrave, cast, cut, make, (or cause, &c.) any mark, stamp or device, or imitation of or to resemble any mark, &c. made or used by the direction of the commissioners of excise in England or Scotland, or the major part of them respectively, for the purpose of printing, stamping or marking of any paper to be used as or for a permit, to accompany any exciseable commodity removing or removed from one part of Great Britain to another, in pursuance of the directions of any of the statutes requiring such permits; every such offender shall be adjudged guilty of felony without benefit of clergy.

And by s. 10. if any person shall, with intent to defraud his majesty, falsely make, forge, counterfeit or alter, (or cause, &c.) or willingly assist in falsely making, &c. any debenture or any certificate for the payment or return of any money, or any part of any such debenture, &c. or any signature thereon, in any case in which such debenture or certificate is, by any act of parliament relating to the duties of customs or excise, required to be given or granted; or shall wilfully, with such intent as aforesaid, utter, publish or make use of any such debenture, &c. or part thereof, so being wholly or in part falsely made, &c.; every such offender shall be adjudged guilty of felony without benefit of clergy.

s. 10.

Forging, &c. debentures or certificates relating to the duties of customs or excise, a capital felony.

P. 1091. l. 10. The 56 Geo. 3. c. 78. l. which is the last act for the better regulating and securing the collection of the duties on paper in Ireland, and to prevent frauds therein, enacts (s. 57.) that if any person shall counterfeit or forge any permit or let-pass for the carriage of paper, paste-board, mill-board, scale-board or glazed paper, sheating or sheathing paper, button paper, or button

Persons forging permits for the carriage of paper, &c. or any stamp &c. thereon, or using such counterfeit permits, transported for 7 years.

56 Geo. 3. c. 78.

board s. 57. l.

board, or shall counterfeit any impression, stamp or mark, provided, &c. or to be provided, &c. by the commissioners of inland excise and taxes, or of customs and port duties, or any 3 or more of them, respectively, to be put to or upon such permit, &c. or shall make use of any such counterfeit or forged permit, &c. with such counterfeit impression, &c. knowing the same to be counterfeited, such person shall be adjudged guilty of felony, and be transported for 7 years.

Forging, &c. the name &c. of the registrar of the court of admiralty, &c. to defraud suitors, &c. a felony.

53 Geo. 3. c. 151. s. 12. E.

P. 1093. l. 5. The 53 Geo. 3. c. 151. U. K. which is an act for regulating the office of registrar of the high court of admiralty, and high court of appeals for prizes, enacts (s. 12.) that if any person shall, after 3 months from the commencement of this act,* forge or counterfeit, (or procure, &c.) or willingly act or assist in forging, &c. the name or hand of the said registrar or his deputy, or any of the cashiers of the governor and company of the bank of England, to any certificate, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money or effects of any of the suitors of said courts, or either of them, or shall forge or counterfeit, (or procure, &c.) or willingly act or assist in forging, &c. any certificate, &c. made by such registrar or his deputy, or any of the said cashiers, &c. or shall utter or publish any such, knowing the same to be forged, &c. with intention to defraud any person whatsoever, every such offender shall be adjudged guilty of felony.

Forging, &c. mark or hand of receiver of pre-fines, a capital felony.

52 Geo. 3. c. 143. s. 5. G. B.

P. 1093. l. 16. The 52 Geo. 3. c. 143. G. B. (*ante p. 423*) enacts, (s. 5.) that any person who shall make, forge, or counterfeit, (or cause, &c.) the mark or hand of the receiver of pre-fines at the alienation office, upon any writ of covenant whereby such receiver or any other person shall or may be defrauded or suffer loss, shall be guilty of felony without benefit of clergy.

P. 1098. l. 4. The 55 Geo. 3. c. 185. G. B. enacts, (s. 7.)* that

* This act provides, (s. 13) that none of its provisions shall take effect until after the expiration of the interest now vested in the present registrar,

* This clause supersedes the 52, Geo. 3. c. 143. s. 8. G. B.

that if any person shall forge or counterfeit, (or cause, &c.) any mark, stamp, or die, which shall have been provided, made, or used in pursuance of this or any former act, relating to any duties on gold or silver plate made or wrought in Great Britain, for the purpose of marking or stamping any such gold or silver plate, in the manner directed by any such act ; or shall forge, counterfeit or resemble, (or cause, &c.) the impression of any such mark, &c. upon any such gold or silver plate, with intent to defraud the king : or if any person shall mark or stamp (or cause, &c.) any such gold or silver plate, or any vessel or ware of base metal, with any such forged or counterfeited mark, &c. ; or shall transpose or remove, (or cause, &c.) from one piece of gold or silver plate to another, or to any vessel, &c. of base metal, any impression made with any mark, &c. which shall have been provided, &c. in pursuance of this or any former act, for the purpose of marking or stamping any such gold or silver plate as aforesaid ; or if any person shall sell, exchange, or expose to sale, or export out of Great Britain, any such gold or silver plate, or any vessel, &c. of base metal, having thereupon the impression of any such forged, &c. stamp, or any forged, &c. impression of any mark, &c. so provided, &c. as aforesaid, or any impression of any such mark, &c. which shall have been transposed, &c. from any other piece of plate as aforesaid, knowing the same to be so forged, &c. or transposed, &c. ; or if any person shall wilfully, and without lawful excuse, (the proof whereof shall lie on the person accused,) have or be possessed of any such forged, &c. mark, &c. or shall privately and secretly use any mark, &c. so provided, &c. with intent to defraud the king, every such offender, and every person knowingly and wilfully aiding, &c. in committing such offence, shall be adjudged guilty of felony without benefit of clergy.

Forging, &c. in respect to any mark, stamp or die, for duties on gold or silver plate, or removing the true duty marks from one piece of plate to another, or selling, &c. any plate, &c. with such forged or transposed mark &c. or being possessed of forged stamps, &c. or fraudulently using true stamps, a capital felony.

55 Geo. 3. c. 185. s. 7. G. B.

Of Courts of a Criminal Jurisdiction.

Murders, &c. committed within any island (not part of king's dominions, nor subject to states of America, nor European power,) by master or crew, &c. of a British ship, may be tried in any of his majesty's islands, &c. under a commission &c. 57 Geo. 3. c. 53. U. K.

P. 1108. l. 12. and Addenda I. p. 134. l. 14. The 57 Geo. 3. c. 53. U. K. recites, that grievous murders and manslaughter have been committed at the settlement in the bay of Honduras in South America, (the same being a settlement, for certain purposes, in the possession and under the protection of his majesty, but not within the territory and dominion of his majesty,) by persons residing within said settlement; and the like offences have been committed in the South Pacific ocean, as well on the high seas as on land, in the islands of New Zealand and Otaheite, and in other islands and places not within his majesty's dominions, by the masters and crews of British ships, and other persons who have for the most part deserted from or left their ships, and have continued to live amongst the inhabitants of those islands; and therefore enacts, that all murders and manslaughter committed or that shall be committed on land at said settlement in the bay of Honduras, by any person residing or being within said settlement, and all murders, &c. committed or that shall be committed in the said islands of New Zealand and Otaheite, or within any other islands, &c. not within his majesty's dominions, nor subject to any European state or power, nor within the territory of the united states of America, by the master or crew of any British ship or vessel, or any of them, or by any person sailing in or belonging thereto, or that shall have sailed in and belonged thereto, and have quitted any British ship, &c. to live in any of the said islands, &c. or that shall be there living, shall and may be tried, &c. in any of his majesty's islands, plantations, colonies, dominions, forts or factories, under the king's commission to be issued in pursuance of the 46 Geo. 3. c. 54. (see Addenda I. p. 133.) as if such offence had been committed on the high seas. Provided (s. 2.) that nothing herein shall repeal the 33 Hen. 8. c. 23. Eng. And it was provided (s. 3.) that this act might be altered, &c. during the then session.

s. 2. The 33 Hen. 8. c. 23. not hereby repealed.

s. 3. Proviso as to altering, &c. act.

P. 1112. l. 39. The 54 Geo. 3. c. 84. E. & W. enacts, that the quarter sessions for the Michaelmas quarter shall (in order to render the attendance at the same more generally convenient,) in every year be holden, for every county, riding, division, city, borough and place, within England and Wales, and for Berwick upon Tweed, in the first week after the 11th day of October, instead of the time now appointed for holding the same. Provided (s. 3.) that nothing in this act shall vary the time at which the sessions for London or Middlesex are now holden.

The quarter sessions, for the Michaelmas quarter in every year, shall be holden in the first week after 11th October. 54 Geo. 3. c. 84. E. & W.

s. 13.

Proviso as to London, &c.

P. 1121. last line. The 57 Geo. 3. c. 91. E. & W. recites, that doubts had arisen touching the fees and allowances due and to be made to the clerks of the peace of the several counties and other divisions in England and Wales; and enacts, that it shall be lawful for the justices of the peace for the county of Kent, and for the county palatine of Lancaster, at their annual general sessions of the peace, and for the justices of peace in every other county, &c. with England and Wales, at their respective general quarter sessions, to settle a table of fees, &c. to be taken by the clerk of the peace for such county of Kent and such county palatine, and such other counties, ridings, divisions, cities, towns, liberties and precincts; and such table of fees, &c. shall be subject to the approbation of the justices at the then next succeeding general annual session of the peace for the county palatine of Lancaster, and for the county of Kent, and at the then next succeeding general quarter session for every other such county, &c. or at some adjournment thereof respectively; and such table of fees, &c. when so approved, shall be laid before the judges of assize at the next assizes for such counties, &c. except the several places being counties in which assizes are not regularly holden in every year, and in those cases before the justices at the next assizes for the adjoining county where assizes are regularly holden, and to which prisoners are generally removed for trial from such places, and also except the counties in Wales and the county palatine of Chester, and before the justices at the next great sessions for the several counties in Wales, and for the county palatine of Chester; and the said judges and justices are hereby

Justices of peace at their annual general and general quarter sessions, to settle a table of fees to be taken by the clerks of the peace for the counties of England and Wales. 57 Geo. 3. c. 91. E. & W.

Such tables to be laid before judges of assize, and justices at great sessions.

hereby authorized to confirm such tables, either as settled as aforesaid, or with such alterations, &c. as to such judges, &c. shall appear reasonable; and it shall be lawful for said justices of peace, at their respective quarter or general sessions of the peace, from time to time, to make other tables of fees, &c. in addition to the tables of fees, &c. before made, which shall be ratified in like manner; which fees, &c. contained in such tables, when so made and approved, and afterwards ratified, shall be the only fees, &c. which shall be taken by the clerks of the peace of such counties, &c. And by

s. 2.

Penalty on taking greater fees than those so allowed.

s. 2. if after any such table of fees, &c. shall have been so ratified, any clerk of the peace, or any person acting as such, shall, under pretence of any thing done, demand or receive any other or greater fee, &c. than the fee, &c. ascertained as aforesaid, such clerk or person shall, for every such offence, forfeit £5. to any person who shall sue for the same by action of debt, &c. in any court of record at Westminster, wherein, &c. By s. 3. every table of fees,

s. 3.

Copies of such tables to be hung up in some conspicuous place where the general or quarter sessions are held,

&c. which shall be made and confirmed as aforesaid, shall be deposited with the clerk of the peace, for the county, &c. for which such table of fees shall have been so made, &c.; and an exact written or printed copy or copies thereof shall be placed and constantly kept in a conspicuous part of every room or place wherein any general or quarter sessions of the peace for such county, &c. shall be held; and if any clerk of the peace, or person acting as such, shall at any time neglect to cause every such copy to be so placed, &c. he shall forfeit to any person who shall sue for the same, for every such offence, the sum of £5. to be recovered by action of debt, &c. in any court of record at Westminster, wherein, &c. And by s. 4. all suits and

Penalty for neglect.

s. 4.

Limitation for suits for penalties.

actions which shall be brought by virtue of this act, shall be brought before the end of 3 calendar months after the offence committed.

Of Arrests.

P. 1146. l. 82. For the more easy apprehending and trying of offenders escaping from one part of the united kingdom to the other, the 54 Geo. 3. c. 186. U. K. provides, that so much of the 45 Geo. 3. c. 92. as enacts, “that it shall not be lawful for any judge or justice to indorse any warrant, unless the same shall appear to have issued, if in England or Ireland, upon some indictment found or information filed, or, if in Scotland, upon some libel or criminal letters raised and passed under the signet of the court of justiciary, against the person named in such warrant, or unless the same shall appear to have issued in respect of some capital crime or felony mentioned in such warrant; and that in all cases in which any warrant or certificate shall be required to be acted upon in any part of the united kingdom, other than that in which the same was originally issued, it shall not be lawful for any court, or any judge or justice, to proceed to enforce or act upon the same, until it shall be proved upon oath to such court, &c. that the seal, signet and signature upon the same, are the seal, &c. of the court, &c. whose seal, &c. the same purport to be,” shall be repealed. And by s. 2. all warrants issued in England, Scotland or Ireland, respectively, may and shall be indorsed and executed in any part of the united kingdom, in like manner as directed by the 13 Geo. 3. c. 31. in relation to warrants issued or granted in England and Scotland respectively, as if all the provisions of said act were herein re-enacted, as to every part of the united kingdom, and as to all justices of peace, sheriffs’ officers, constables or other officers of the peace in Ireland, as well as in England and Scotland respectively. And by s. 3. it shall be lawful for any judge of any court of record in Westminster, or the court of sessions in the county palatine of Chester, or of any of the courts of great sessions in Wales, or for any judge of any court of record in Dublin, to indorse any letters of second diligence issued in Scotland, for compelling the attendance

The clause of the 45 Geo. 3. c. 92. which requires proof of the seal and signature of the court before executing escape warrant, repealed.

54 Geo. 3. c. 186. U. K.

s. 2.

Warrants issued in England, Scotland or Ireland, may be indorsed in any part of the united kingdom, in manner directed by 13 Geo. 3. c. 31. Eng.

s. 3.

Judge of any court of record at Westminster, &c. may indorse letters of second diligence issued in Scotland.

ance

ance of any witness resident in England, Wales or Ireland, upon any criminal trial in Scotland; and such letters shall, upon such indorsement, have the like effect as the same would have in Scotland, and shall entitle the bearer to apprehend the witness or witnesses mentioned therein, and to convey such witness, &c. to Scotland, for the purposes of the trial in respect of which such letters shall have issued, without any tender of any expenses of such witness, &c.

Of Commitment and Bail.

Three pence per
mile to be paid
to persons (not
exceeding six in
number) guard-
ing prisoners for
treason or felo-
ny to county
gaol.

55 Geo. 3. c. 158.
s. 7. I.

P. 1166. l. 14. The 55 Geo. 3. c. 158. I. provides (s. 7.) that whenever any constable shall, by virtue of a *mittimus* under the hand and seal of any justice of peace, convey and safely lodge in the county gaol any person or persons charged with any treason or felony, and committed to such constable by such justice, the sum of 3d. per mile for each mile such prisoner or prisoners shall be so carried, shall be paid to each of such number of persons as such justices shall think necessary for guarding such prisoner or prisoners to the county gaol, and who shall go along with such constable to the county gaol; which sums shall be presented by the grand juries of the respective counties, at the next or any subsequent assizes, to be raised on such counties, and paid by the treasurers thereof: provided that no such sum shall be paid by any such treasurer, unless the persons so employed shall produce a copy of the *mittimus* under which every such prisoner was committed, and a receipt from the gaoler of such county gaol, acknowledging that such prisoner was safely lodged in gaol: and provided that the number of persons so employed shall not exceed six.

Several acts re-
lating to fines
and forfeited
recognizances

The 57 Geo. 3. c. 56. I. repeals the 27 Geo. 3. c. 32.—
29 Geo. 3. c. 28. 31 Geo. 3. c. 25. [32 Geo. 3. c. 25. so
far as it relates to the collection of forfeited recognizances,]

38 Geo 3.

38 Geo. 3. c. 50. and 39 Geo. 3. c. 67. 40 Geo. 3. ^{repealed.}
c. 30. and 49 Geo. 3. c. 83. save so far as the ^{57 Geo. 3. c. 56.}
I.

same repeal any former acts of parliament, or clauses therein, and save as to any proceeding in any case wherein any process of the pipe shall have actually issued under said acts, or any of them previous to the commencement of this act, and the collection and application of the fines and forfeited recognizances in any such case, and save so far as any of said acts purport to discharge any recognizance theretofore forfeited. And by s. 2. [* after the

s. 2.

Recognizances shall specify the names, addition and residence of the parties bound.

commencement of this act] every recognizance taken in Ireland by or before the court of king's bench there, or before the chief justice or any of the other justices of said court, or before any justice of *oyer* and *terminer* or gaol delivery, or before any justice or justices of the peace, either at their sessions of the peace or otherwise, or by any magistrate or other person lawfully authorized to take the same, shall contain the name and addition of the person acknowledging himself to be bound, and the name of the townland, parish, barony or half barony, or town or city, and street therein, (if in a county of a town or city,) in which the usual or actual place of residence of such person is situated; and every person who shall come before said court, or before any of the justices of the said court, or of *oyer* and *terminer*, or of the peace, &c. or any magistrate or other person authorized to admit to bail, in order to give bail, or be bound for the appearance of any person charged with any crime, (which person so charged shall be entitled to bail,) or for keeping the peace, shall make oath in one of the forms here following, or in words to the like import and effect; that is to say, if such person shall reside in a county at large, in this form: "I *A. B.* do swear that I

Form of oath of bail for appearance of persons charged with crimes, or for keeping the peace.

"am a householder, and have a house wherein I usually
"reside, at in the parish of
"barony or half barony of and county of
"and that I support and maintain myself by
"and that I am worth the sum of [*here insert double the*
"*sum in which he or she is to be bound,*] over and above all
"my just debts. So help me God." And if such person shall reside in a county of a city or town, the words "reside

at" and from thence to "county of" shall be omitted; and instead thereof these words shall be inserted; to wit "residing in [*naming the street, square, lane, or place,*] in the parish of _____ and county of the city or town of _____;" and every such oath shall be annexed to

or written in the same piece of paper or parchment with the recognizance, and shall be signed by the person making the same, and attested by the proper *jurat* of the court, judge, justice, or other person taking the same as aforesaid, and shall be sufficient in lieu of all oaths required by any law in force in Ireland to be taken by any such surety.

s. 3.

Oath how varied as to principals bound to appear, or to keep the peace, and as to persons bound to prosecute.

Provided (s. 3.) that nothing herein shall extend to require the person charged with any crime, and for whose appearance any recognizance shall be about to be entered into, or any person who shall become bound to keep the peace, or any person who shall become bound for the prosecution of any person charged with any criminal offence, to take such part of said oath as relates to such person being a householder, or to his being worth the sum for which he is about to be bound, above his just debts; but every such last-mentioned person shall, in like form, make oath as to the place, parish, barony or half barony, and county, and the town or city, and street therein, (if in a county of a town or city) in which he usually or actually resides. By

s. 4.

Penalty on justices, &c. neglecting to return recognizances, or to insert names, &c. of persons entering into same, or to administer oaths as herein prescribed.

s. 4. every justice of peace, magistrate and other person authorized to take recognizances, who shall neglect or refuse to return the recognizances taken before him alone, or before him and any other magistrate or person so authorized to take the same in manner herein-after mentioned, or shall neglect, &c. to insert in any recognizance taken before him, solely or with any other as aforesaid, the proper name and addition of each person entering into the same, according to the provisions of this act, or shall neglect, &c. to administer the oaths herein before appointed to be administered, in manner so directed, shall, for every such neglect, &c. (in addition to such sum as the judge or judges of assize may think fit, at the respective assizes, to impose upon such justices, &c. by way of fine, for such neglect, &c.) forfeit £50. to be recovered by bill, plaint, or information in any court of record in Dublin, by any person who will sue for the same, wherein, &c.

By

By s. 5. the several clerks of the crown and peace shall, on the first day of every term next ensuing any commission of *oyer and terminer* and general gaol delivery, and sessions of the peace, in any county, &c. return to the comptroller for the pipe in the court of exchequer, distinct estreats of such recognizances as aforesaid as shall have been forfeited, and such fines as shall have been imposed thereat, respectively, (save only such fines as shall have been imposed on persons actually committed to imprisonment by the court imposing such fine, and for the same offence for which such fine shall have been imposed); and the several clerks of *nisi prius* in Ireland shall also, on the first day of every Easter and Michaelmas term, in like manner return to the comptroller of the pipe estreats of all fines (save as aforesaid) which shall have been imposed at the several sittings of *nisi prius* held in and for the city or county of Dublin, and at every assizes in every county and county of a city or town in Ireland; and if in any of said cases there shall be no such estreats, then the said several persons shall make return accordingly. And by s. 6. after the commencement of this act, all clerks of the courts of K. B. and C. B. clerks of the crown, clerks of the peace, clerks of *nisi prius*, and others to whom it belongs to make returns of estreats into the exchequer, shall make the said returns to the comptroller of the pipe; and every such return shall contain the name and addition of the particular persons respectively who are thereby returned as having their recognizances forfeited and estreated, or having had fines imposed upon them in the courts from whence said returns are made, as also the name of the place where they usually reside, together with the name of the townland, parish, and barony or half barony, and county, or town or city, and street therein, (if in a county of a town or city) in which such places of residence are respectively situated. And by s. 7. after the commencement of this act, all such clerks, &c. and others to whom it belongs, or may belong to make returns of estreats into the exchequer, shall, upon delivery of such estreats to the comptroller of the pipe, when the same shall be so delivered by them in person respectively, take the oath following: "I do swear, that these

s. 5.

Estreats of recognizances forfeited, and fines imposed, when returned by clerks of the crown and peace to comptroller of the pipe.

s. 6.

Such returns to specify the names, additions and residence of parties,

s. 7.

Form of oath of clerks returning estreats.

“ these estreats now by me delivered are truly and care-
 “ fully made up and examined, and that all fines, issues and
 “ amerciaments, recognizances and forfeitures, which were
 “ set, lost, imposed or forfeited, and in right and due course
 “ of law ought to be estreated into the court of exchequer,
 “ are, to the best of my knowledge, understanding and be-
 “ lief, therein contained ; and that in the same estreats
 “ are also contained and expressed all such fines as have
 “ been paid into the court from which the said estreats
 “ have been made, without any fraudulent or wilful dis-
 “ charge, omission, misnomer, or defect whatsoever ; and
 “ that in these estreats now by me delivered, the names
 “ and additions of the several persons respectively men-
 “ tioned therein, together with their respective places of
 “ residence, and the parishes, baronies, half baronies, and
 “ counties, and town and city, and street therein, in which
 “ such places of residence are respectively situated, are
 “ truly and faithfully set forth according to the best of my
 “ knowledge, understanding and belief. So help me God.”

s. 8.
*Form of oath
 where the es-
 treat is not
 delivered into
 the exchequer by
 the clerks in
 person.*

which oath the barons of the exchequer, or one of them, shall, from time to time, administer. And by s. 8. the clerks of the crown and clerks of the peace to whom it belongs to make returns of estreats into the exchequer, if it shall not be convenient to them to deliver such estreats into the court of the exchequer in person, shall, in the place of said oath, take and subscribe the oath following : “ I

“ do swear, that these estreats now by me
 “ subscribed, are truly and carefully made up and examin-
 “ ed, and that all fines, issues, and amerciaments, recog-
 “ nizances and forfeitures, which were set, lost, imposed
 “ or forfeited, and in right and due course of law ought to
 “ be estreated into the court of exchequer are, to the best
 “ of my knowledge, understanding and belief, therein
 “ contained ; and that in the same estreats are also con-
 “ tained and expressed all such fines as have been paid in-
 “ to the court from which the said estreats have been made,
 “ without any fraudulent or wilful discharge, omission, mis-
 “ nomer, or defect whatsoever ; and that I will not erase or
 “ alter, or cause or consent to be erased or altered, these
 “ estreats or any part thereof ; and that in these estreats

now

“ now by me subscribed the names and additions of the
 “ several persons therein mentioned respectively, together
 “ with their respective places of residence, and the parish-
 “ es, baronies, half baronies, and counties, or town or ci-
 “ ty, and street therein, in which such places of residence
 “ are respectively situate, are truly and faithfully set forth
 “ according to the best of my knowledge, understanding
 “ and belief.”

So help me God;

which oath a commissioner for taking affidavits in
 said court of exchequer is hereby empowered to admin-
 ister, from time to time, in the presence of 2 justices of
 peace for the county or place where such oath shall
 be taken; and the said commissioner and justices shall
 subscribe said oath, and the said clerk of the crown or
 clerk of the peace shall, in the presence of said commis-
 sioner and justices, carefully seal up the said estreats in
 a paper cover, and shall affix his seal thereto, and the
 said commissioner and justices shall also affix their seals

*Oath how ad-
 ministered.*

*Estreats sealed
 up, &c.*

thereto; and the said clerk of the crown or clerk of the
 peace shall cause the said estreats, so sealed up, to be care-
 fully delivered to the comptroller of the pipe in said court
 of exchequer. And by s. 9. after taking said oaths res-
 pectively, the fines and recognizances therein referred to,
 respectively, shall not be reduced, mitigated, or altered by
 any court or judge, or by any person whatsoever, save on-
 ly by the commissioners of reducements, or in manner

s. 9.

*After oath so
 taken, fines, &c.
 reduced only by
 commissioners
 of reducements.*

herein-after mentioned. And by s. 10. the estreats so to
 be delivered from the said clerks of the crown, &c. shall
 not be received by the comptroller of the pipe, unless, at
 the time of delivering the same, oath shall be made in said
 court, or before one of the barons thereof, (which oath,
 the barons, or one of them, shall administer,) by the per-
 son who shall have received the same from the said clerk
 of the crown, &c. for the purpose of delivering the same
 to the comptroller of the pipe, that the estreats or any of
 them have not been opened or altered since the same
 were so received. And by s. 11. on the last day of every

s. 10.

*Person deliver-
 ing estreats to
 make oath that
 they have not
 been opened, &c.*

term the comptroller of the pipe shall, at the sitting of
 the court of exchequer, deliver in open court to the chief
 baron, or, in his absence, to the senior puisne baron pre-

s. 11.

*Comptroller of
 the pipe shall
 lay before the
 court of exche-
 quer on the last
 day of every*

sent,

term, a list of all persons bound to return any estreats, &c. and deliver a copy to solicitor for the casual revenue.

Duty of solicitor thereupon.

Penalty for default of comptroller or solicitor.

s. 12.

Comptroller, on return of estreats, shall issue to sheriffs a second summons.

s. 13.

All estreats on which no process of the pipe issued, shall be delivered to comptroller, &c.

sent, a statement in writing of all the several officers and persons by whom any such estreats ought to have been returned in said term, and shall therein specify which of such persons have or hath duly made, or neglected or omitted to make such returns, and shall, if required by said court, verify such statement on oath in open court; and such comptroller of the pipe shall, on the same court day of each term, deliver a copy thereof to the solicitor for the casual revenue, who shall enter, as of course, a rule for a fine of £20. against every person mentioned in such statement as having neglected, &c. to make such return, unless such person shall make such return within 4 days, if in the county or county of the city of Dublin, and within 10 days if in any other part of Ireland; and the said solicitor for the casual revenue shall, at the expiration of such time respectively, make such rule absolute as of course, and shall thereupon issue an attachment against such person as of course, and without farther notice; and if such comptroller shall neglect to deliver in such statement, or shall omit therefrom the name of any person who ought to be included therein, or shall make any false statement therein, not being required to verify the same on oath, or shall omit to furnish such copy to the solicitor of the casual revenue; or if the solicitor for the casual revenue shall omit to enter or make absolute such rule, or to issue such attachment, such comptroller and solicitor shall be punished by fine and attachment at the discretion of said court, and shall for every such offence forfeit £50. to be recovered and levied by the summary order of the court, by any person who shall duly apply for the same. By s. 12. the comptroller of the pipe shall, on every such return of estreats, issue the second summons of the pipe for the levying of all sums of money contained in such estreats, save as aforesaid, out of the goods, bodies, and lands of the respective debtors named in such process; and such process shall be directed to the several sheriffs of counties, &c. in which the debtors respectively reside. By s. 13. every estreat which, at the commencement of this act, shall be in any office of said court of exchequer, other than the office of the comptroller of the pipe, and on which no process

cess of the pipe shall have issued, shall be then forthwith delivered over to the comptroller of the pipe, who shall cause the process of the pipe, and all subsequent proceedings, according to the manner prescribed by this act, to be issued on all such estreats so delivered over to him, and also on all estreats which shall then be in his office, and whereon no process of the pipe shall have previously issued.

And by s. 14. such process shall be issued by the comptroller of the pipe within 10 days after the end of every

s. 14.

Process of the pipe how issued.

Hilary and Trinity term, and shall be returnable on the first return day of the next Hilary term, and shall and may be renewed and issued as often as occasion shall require; and such comptroller shall cause every such process to be delivered to the respective sheriffs without any unnecessary delay. And by s. 15. the several sheriffs shall have the same

s. 15.

Sheriffs to levy under such process as usual.

powers to levy the debts therein to be comprised, and in executing such process, whether by summoning and impanelling juries, or holding inquiries upon the several matters aforesaid, or in any other way, as sheriffs in Ireland had by law in such cases previous to the passing of said acts so hereby repealed. Provided, (s. 16.) that every

s. 16.

The goods of debtor to be first resorted to.

such sheriff shall, in the first place, resort to the goods of every person against whom any such process shall be issued; and shall not in any case resort to the body or lands of any such person, if such debts can be levied out of his goods. By s. 17. there shall be allowed to every sheriff

s. 17.

Allowance to sheriff on levy or arrest.

6s. 8d. on every 20s. which shall have been levied by him in respect of any forfeited recognizance, in lieu of all other allowances in that respect; and the like sum on every 20s. for which any person shall have been taken by such sheriff, on account of any recognizance forfeited; and a sum of 3s. 4d. on every 20s. levied by him in respect of any fine in such process; and a like sum for every 20s. for which any person shall have been taken by such sheriff, under such process, in respect of any fine. By s. 18. every sheriff shall, at every assizes within their respective jurisdictions, return to the justices of assize a certificate containing

s. 18.

Sheriffs shall return to justices of assize, &c. a certificate of the names of all prisoners under process for fines, &c.

the names of the several persons in their custody, under any process issued for any fine imposed, or recognizance forfeited, at any antecedent court of *oyer and terminer*, gaol

gaol delivery, assize or *nisi prius*, within such county, county of a city, or county of a town, and who were in their custody at any time during the then next preceding assizes for such county, &c. or have been since committed to them; and shall also at every general sessions of the peace, return to the court a like certificate of persons committed under any process for any fine imposed, or recognizance forfeited, at any antecedent sessions of the peace for such county, &c. and who were in their custody at any time during the next preceding sessions of the peace, or at any time since; and every such certificate shall set forth the times when such persons were respectively committed to prison, and the sums for which they were so in custody, and whether any and which of such persons then remain in their custody, and, if so, how long such persons respectively have been in actual confinement for such cause, and if not then in custody, then by what authority, and at what time, they were respectively discharged; and the gaoler of every such sheriff shall verify the said certificate by affidavit, to be sworn before such justices of assize, or, in case of a return to the sessions, before any 2 justices of peace; and such certificate and affidavit shall be lodged with the clerk of the crown of the county, or, if at sessions, with the clerk of the peace, who shall annex the same to the estreats of all forfeited recognizances returned by them respectively pursuant to this act. By s. 19. all sheriffs, in whose custody any such persons shall be as aforesaid, shall be chargeable with all sums for which such persons were so in custody, in the same manner as they are now chargeable for fines on persons convicted of criminal offences, and committed to them for such fines; and the comptroller of the pipe shall issue his usual process against such sheriffs for the same accordingly. Provided (s. 20.) that where any person, for whom any sheriff shall have become chargeable as aforesaid, shall not remain in the custody of such sheriff, then such sheriff shall, upon his producing an order of said court of exchequer, or of justices of assize, or of a court of general sessions of the peace in cases cognizable by them, for the discharge of any such person, be exonerated from the sum for which such person was committed.

Gaoler shall verify certificate on oath,

s. 19.

Sheriff's chargeable with sums for which such prisoners are committed.

s. 20.

Sheriff exonerated where prisoner discharged by court, &c.

mitted. By s. 21. no sheriff shall have any benefit of poundage or allowance under this act, unless he shall pay into the receipt of the exchequer, according to the course of the court, the sum with which he shall be chargeable. And

s. 21.

Poundage only allowed upon payment of balance.

by s. 22. if any sheriff shall, for want of due diligence, make a false return, not knowing the same to be false, with respect to any of the persons mentioned in said writs or process which shall be directed and delivered to him, it shall be lawful for the court of exchequer, on application,

s. 22.

Sheriffs fined to amount of sum in writ, in case of a false return from want of due diligence.

to inquire summarily into the truth of the charge, and if they shall find it true, to fine such sheriff, or his under sheriff, in a sum equal to that which said sheriff was by said writ, &c. ordered to levy of the person with respect to whom such false return shall have been made, together with the full costs of such application, and to enforce the same by attachment against such sheriff, or his under sheriff, as the court shall judge expedient. And by s. 23. no

s. 23.

sheriff, under-sheriff, bailiff, or other person employed in levying and collecting any of the said debts, &c. shall ask, or take or receive any fee, gift, gratuity or reward, of the person liable to pay the same, nor of any other person,

Sheriffs shall not receive any fee for levying or forbearing to levy any sum.

for or upon pretence of such levying, &c. or for or upon pretence of forbearing to levy, &c. the same or any part thereof; and in case any sheriff shall nihil or not duly answer to the crown any debt, &c. which shall have been levied, &c. by him, he shall forfeit treble damages to the party aggrieved, and double the sum so nilled to the king;

Penalty for nilling or neglecting to answer for sum levied.

which said damages and penalty shall be ordered, &c. by the court of exchequer, on complaint and proof of such abuse made and exhibited before said court, in such summary way as to them shall seem meet; and in case any sheriff, &c. shall demand, take, or receive any sum of money, gift, &c. or any security, promise or engagement, for any sum of money, &c. for or in respect or upon pretence of executing any green-wax process of said court, or for or in respect, or upon pretence of fees due for collecting or receiving the same, or for not executing or for delaying to execute any such process, or any warrant issued thereon, or shall accept of a less sum upon account or in payment or discharge of any such process, &c. than as in such war-

Penalty on sheriffs' taking fees, &c. for executing or not executing green-wax process, or corrupt favour to party.

s. 24.
Court may summarily award damages, &c. to party aggrieved.

s. 25.
Commissioners may reduce or remit recognizances forfeited or fines incurred

s. 26.
Persons so relieved to serve notice on comptroller of pipe.

s. 27.
Poundage paid to sheriff notwithstanding order of reduction.

rant, &c. is mentioned ; every such person shall be deemed guilty of extortion, and forfeit to the party aggrieved the sum ordered to be levied by such warrant, &c. and double the sum so extorted, together with full costs of suit, to be recovered by action of debt, &c. in any of the superior courts of record in Dublin. And by s. 24. it shall be lawful for said court of exchequer to order, in a summary way, to every or any person charged in such process, such damages, penalties, and costs, not exceeding the amount aforesaid respectively, as such court shall think reasonable ; and thereupon such offender shall not be liable to any action or indictment for such offence ; and every such order shall have the same effect as any other order of the same court ; and the said damages, &c. shall be levied by such process, &c. as used to enforce a compliance with any other order of the same court. By s. 25. it shall be lawful after the commencement of this act, for every person who shall forfeit any recognizance, or incur any fine, or against whom any estreat shall issue by virtue of this act or otherwise, and who shall find himself aggrieved thereby, to go before his majesty's commissioners of reductions, who may examine into the case in a summary manner ; and remit the whole or any part of such recognizance, &c. if they shall see sufficient reason so to do. Provided (s. 26.) that if said commissioners shall remit or partially reduce the sum contained in the said recognizance, &c. then the person who shall have obtained an order for that purpose shall, within six days after obtaining the same, serve said order upon the comptroller of the pipe, or his deputy, at his office in Dublin ; and the said comptroller shall file the same in his office, and not issue process thereon, or issue process according to the terms of said order, as the case may require. Provided (s. 27.) that in case any such fines and recognizances which shall be so reduced, shall have been actually levied by any sheriff, and not paid by him into the exchequer, then no allowance shall be made for poundage on the debit of any such sheriff for any such reduced fines, &c. but the poundage, &c. provided as aforesaid shall be paid to such sheriff by the person in whose favour the order of reduction shall be made, which shall be so expressed

expressed in such order, and every such sheriff may accordingly deduct said poundage. By s. 28. if any person who shall be in the custody of any sheriff, under any of the provisions of this act, for the non-payment of any sum, shall petition the court of exchequer, or the judges of assize upon their respective circuits, or the court of general sessions of the peace, in the cases directed to be certified to them respectively, the said court of exchequer, &c. respectively, shall examine into the facts, in a summary manner; and it shall be lawful for said court of exchequer, &c. to grant an order or warrant, (as the case may be) under their hands, to discharge any person so in custody, and petitioning, if they shall see sufficient reason so to do; which order, &c. upon being filed with the comptroller of the pipe, shall be an acquittance to the said sheriffs for the sum for which such person was in custody. Provided (s. 29.) that no such order or warrant of the court of general sessions shall be valid, unless made with the concurrence, and under the hand of the assistant barrister of the county in which such general sessions shall be, or in counties of cities and counties of towns, unless made with the concurrence, &c. of the recorder. And by s. 30. whenever the general sessions of the peace for any county shall be held in any city or town of such county, other than that in or near to which the county gaol shall be, the sheriff of such county shall, at any time not more than one week before the first day of such sessions, cause every prisoner in such gaol, who shall be entitled to petition such court and shall desire the same, to be removed at the expense of such person to the bridewell of such town where such sessions shall be so held, and to detain them respectively, so long as may be necessary for the purposes of such petition; and, before the end of one week from the first day of such sessions, cause such of them as shall not be discharged to be removed again to the county gaol. And by s. 31. if the petition in any such case shall allege the poverty or inability of the petitioner to pay the amount of the sum or sums for which he shall be so in custody, the court or judge, on examining into such petition, shall inquire whether such petitioner may not be of ability or have the power to pay

s. 28.

Court of exchequer or assize, or sessions, may relieve parties in custody.

s. 29.

Orders at sessions to be made with concurrence of barrister or recorder.

s. 30.

Prisoners petitioning removed from county gaol to bridewell of sessions town.

s. 31.

Where poverty alleged, court to inquire whether petitioner cannot pay part.

and

*Proviso as to
fraud, &c.*

*s. 32.
Court may dis-
charge princi-
pal or bail, ha-
ving respect to
circumstances
of case, and
length of impri-
sonment.*

s. 33.

and discharge some, and what part or proportion, of the sum for which he shall be so confined; and such court, &c. shall not, on the said ground of poverty or inability, order such petitioner to be so discharged, except on payment of such part as he may so have power to pay; and if such petitioner shall have been a surety in a forfeited recognizance, then the court or judge shall also inquire when and by what means such person became unable to pay such amount; and unless such court, &c. shall be satisfied that such inability arose without fraud, contrivance, or wilful default, after entering into such recognizance, such court, &c. shall not order that such person be discharged, until after the end of 4 calendar months at the least from the commencement of his imprisonment under such process.

And by s. 32. in any case in which such prisoner shall have been fined, or shall have been the principal in any recognizance on which he shall be so in custody, such court or judge shall also inquire into the nature of the offence for which such fine shall have been imposed, or of the charge in consequence of which such recognizance shall have been entered into, and under what circumstances the same was forfeited; and in case such petitioner shall be so in custody under any recognizance to answer or appear to any charge, and shall, after the forfeiture of such recognizance, have been acquitted of such charge, such court, &c. shall inquire whether on such trial all the witnesses for the prosecution attended and were examined; and, if not, then whether by the forfeiture of such recognizance the attendance of any such witness was in any respect prevented; and if such petitioner shall be a surety, then whether such surety used due diligence to make the principal amenable to law; and in all such cases the said court or judges, or judge of assize, shall have power to order the discharge of such petitioner, either generally, or after such length of time as such court, &c. shall think fit, having respect to the circumstances of the case, and the length of time that such petitioner shall have been in custody, and to the object and purposes of this act. By s. 33. the several clerks of the crown and clerks

clerks of the peace throughout Ireland shall, within 3 days after the termination of the several assizes or sessions of the peace in every county, &c. cause to be posted on the door of the court house or sessions house of such county, &c. and if such sessions were held in any place other than the county town, then also on the door of the court house in such county town, a true list, signed and subscribed by such clerk of the crown and clerk of the peace, of all the recognizances forfeited, and fines estreated, at such assizes or sessions, specifying the names, descriptions, and residences of the persons against whom such estreats shall have been made; and shall also deliver or transmit to the treasurer of the county, &c. a copy of such list; and such treasurer shall permit all persons to inspect such copy, who shall apply for that purpose at his office, at any reasonable time of the day; and if any clerk of the crown, &c. shall omit or neglect to cause such list to be posted as aforesaid, or to deliver or transmit a copy thereof to the treasurer of such county, &c. he shall for every such offence forfeit £5. to be recovered in a summary manner before any one justice of peace of such county, &c. Provided (s. 34.) that nothing herein shall deprive any corporation or person, of any rights which they now have, under their respective charters or patents, to any fines, amercements, or recognizances. By s. 35. if any action upon the case, trespass, battery, or false imprisonment, shall be brought against any sheriff, or any person who in his aid, or by his commandment, shall do any thing touching his aforesaid office, or for any thing done by reason thereof, the defendant may plead the general issue of not guilty, and give the special matter in evidence; and if upon such trial a verdict shall be had for such defendant, or if the defendant shall have judgment upon demurrer, or if the plaintiff shall be non-suited or suffer any discontinuance thereof, the defendant shall have his treble costs. It was hereby provided (s. 36.) that this act might be altered or repealed during the then session. And by s. 37. this act is to commence from June 25, 1817.

Clerks of the crown and peace after assizes or sessions, to post on doors of court house a list of recognizances forfeited, &c.

Copy transmitted to treasurer of county.

Penalty for default.

s. 34.

Saving for rights of corporations, &c. to fines.

s. 35.

Pleading, &c. in actions brought against sheriffs, &c. in respect to said duties.

s. 36.

Proviso as to altering, &c. act.

s. 37.

Commencement of this act.

Of the several Modes of Prosecution.

Bill's of indictment to be found by grand juries upon viva voce examination of witnesses for the crown. P. 1167. l. 10. The 56 Geo. 3. c. 87. I. recites, that a practice hath prevailed in many of the grand juries in Ireland, to find bills of indictment without examining witnesses for the crown, and that it is expedient that this practice should be discontinued; and therefore declares and enacts, that no bill of indictment shall be returned a true bill by any grand jury in Ireland, unless the same hath been found by the jurors upon the evidence of one or more witnesses for the crown, sworn in court and produced before them, with such other lawful evidence as the nature of the case may require or admit of. Provided (s. 2.) that nothing in this act shall be construed to prevent such court, at its discretion, from directing the informations or depositions which any such witnesses for the crown may have previously sworn before a magistrate, to be laid before the grand jury; and if upon the examination of such witnesses before the grand jury, it shall appear to the grand jury that any of the said witnesses shall have sworn falsely and corruptly, the grand jury shall report the same to the court; and in case the court shall thereupon think fit to order a bill of indictment for wilful and corrupt perjury to be preferred against such person, it shall be competent for any of said grand jurors to give evidence upon the finding and trial of such indictment, notwithstanding the oath which he shall have previously taken as a grand juror; but nothing herein contained shall have the effect of rendering such informations or depositions evidence in support of a bill before the grand jury, except as hereinafter provided. And this act (s. 3.) recites the 50 Geo. 3. c. 102. s. 5. I.* (which makes the information or examination of a witness who shall have been murdered, maimed, or forcibly carried away and secreted, evidence,) and enacts, that so long as the said enactment shall

Court may, in its discretion, lay informations &c. before grand jury.

Grand jurors competent witnesses on prosecutions for perjury against witnesses examined before them.

Informations, &c. of witnesses murdered, &c. to be received in evidence by grand juries notwithstanding this act.

* See Addenda I. p. 103.

shall be in force, the informations or examinations therein mentioned shall be evidence to the grand jury, upon the bill preferred against the persons against whom such informations or examinations were given: provided that the information, &c. of a witness secreted shall not be evidence to the grand jury, unless it shall be first proved to the grand jury by witnesses sworn, or other lawful evidence, that such person has been secreted by the person or persons against whom the bill is preferred, or by some person or persons acting for him or her, or in his or her favour.

Of Arraignment and its Incidents.

P. 1197. l. 24. The 39 & 40 Geo. 3. c. 94. Eng. which provides for the safe custody of insane persons charged with offences,* is amended by the 56 Geo.3. c. 117. U. K. which enacts, that if any person having been duly convicted of any offence, who, after such conviction, and during his imprisonment or continuance in any gaol, prison, hulk, penitentiary house, or house of correction, under sentence of transportation or imprisonment, shall become insane, and it shall be duly certified by 2 physicians or surgeons that such person is insane, it shall be lawful for one of his majesty's principal secretaries of state to direct, by warrant under his hand, that such person shall be removed to such lunatic asylum, or other proper receptacle for insane persons in the united kingdom, as said secretary may judge proper; and every person so removed shall remain under confinement in such lunatic asylum, &c. or any other lunatic asylum, &c. to which such person may be removed by any like order, until it shall be duly certified to said secretary of state, by 2 physicians or surgeons, that such person has become of sound mind; whereupon said secretary is hereby authorized, if such person shall still remain subject to imprisonment or to be continued in custody,

Persons becoming insane after convictions removable to some lunatic asylum by warrant of the secretary of state.

56 Geo.3. c.117. U. K.

Such persons when duly certified to have become of sound mind, to be remanded, if still subject to imprisonment.

* See Addenda I. p. 144.

custody to issue his warrant to the keeper or other person having the care of such lunatic asylum, or other proper receptacle as aforesaid, directing that such person shall be removed back from such lunatic asylum, &c. to the gaol, &c. from whence the said person shall have been taken, for the purposes of being confined in such asylum, &c.; or, if the period of imprisonment or custody of such person had expired, that such person shall be discharged.

Of Trial and Conviction.

Prisoners acquitted or discharged by proclamation, or where indictment not found, not to pay the usual fees in respect to their discharge.

55 Geo. 3 c. 50.
s. 4. E.

Proviso as to cases where prisoner stands charged with other process.

P. 1209. l. 12. The 55 Geo. 3. c. 50. (already in part stated *ante* p. 45.) recites (s. 4.) that it is customary for clerks of the assize, clerks of the peace, clerks of the court, or their deputies, or other officers in the courts of assize or session, to demand and take from persons indicted divers sums in the way of fees; and therefore enacts, that every prisoner who shall be charged with or indicted for any felony, or as an accessory thereto, or with or for any misdemeanor, before any court of criminal jurisdiction within England, against whom no bill of indictment shall be found by the grand jury, or who on trial shall be acquitted, or who shall be discharged by proclamation for want of prosecution, shall be immediately set at large, without payment of any fee or sum of money for or in respect of his discharge; except only in such cases wherein the prisoner shall stand charged with any process authorizing the detention of such prisoner: provided that if any prisoner who shall so stand charged shall have been discharged in supposed obedience to this act, by reason that the sheriff or other officer was at the time ignorant that there was any such charge authorizing his detention, it shall be lawful for such sheriff, &c. on receiving information of such charge, presently to retake such prisoner, and thereupon to detain him upon such charge; and upon his being so retaken, the said prisoner shall be deemed, for the purpose

purpose of that suit, to have been in custody continually from the time when he so first stood charged as aforesaid. And by s. 5. all fees usually paid or payable to the several clerks of assize and clerks of the peace, clerks of the court or their deputies, in England, in any of the cases aforesaid, are hereby abolished, &c. And by s. 6. in lieu of such lawful fees so abolished, the treasurers or other proper officers of the several counties in England, or of such districts, &c. as are not usually assessed to the county at large, and of such cities, &c. as do not pay to the rates of the several counties in which they are respectively situated, shall, on receiving a certificate signed by one or more judge or justice of the peace, before whom such prisoner shall have been discharged as aforesaid, (which certificate such judge, &c. is required to give,) pay out of the rates of such county, or of such district, &c. or out of the public stock of such city, &c. such lawful sum as has been usually paid on that occasion for every prisoner discharged as aforesaid, to such clerk of assize, clerk of the peace, or clerk of the court, or their respective deputies. And by s. 7. every clerk of the peace, or their deputies, and every officer who shall claim any fees or indemnification for the same, by virtue of any of the provisions herein-before contained, shall deliver at every session of the peace, or at some adjournment thereof, an account of all fees so due to him, or for which he shall claim any indemnification; which account shall be verified upon oath in court, before the chairman of such sessions. And by s. 8. the clerks of assize shall, at every assize, deliver in to the judge who shall sit for the trial of such prisoners, an account of such fees as shall be due to him in respect of such prisoners; which account shall be verified upon oath before such judge to whom such account shall be delivered. And by s. 9. any clerk of assize, clerk of the peace, clerk of the court, or their deputies or other officers, exacting such fees, shall be rendered incapable of holding their offices, and be guilty of a misdemeanor.

s. 6.
Treasurers of counties, &c. to pay such fees.

s. 7.
Clerks of the peace, &c. to return to sessions an account of their fees claimed, and verify such account on oath.

s. 8.
Clerks of assize to return and verify their accounts after assizes.

s. 9.
Penalty for exacting fees contrary hereto.

And this act (s. 10.) *recites that it has been customary

s. 10.

VOL. II.

3 N

tomary

* This clause should have been referred to page 319 of the Digest.

No fee to sheriff for granting a liberate to debtor; but compensation to sheriff out of rate of county, &c. tomary in some places for the sheriff or under-sheriff to demand, for the *liberate* granted to any debtor on his discharge, a fee or gratuity; and enacts, that such *liberate* shall be granted free of all expenses; and it shall be in the power of the justices of peace for each county, city or town, assembled in quarter session, subject however to the approbation of the judges of assize, to make such compensation to the sheriff or under-sheriff, out of the county, city, or

s. 11 & 12.

Allowances how raised in cities, &c. which have no public stock, &c.

56 Geo. 3. c. 116. E.

The 55 Geo. 3. c. 50. declared to extend to all officers who before the passing of said act were entitled to fees thereby abolished.

town rate, as shall to them seem fit. And this act (s. 11. and 12.) provides for raising such allowances as herein mentioned, in cities, towns corporate and places, which do not contribute to the payment of any county rate, and have no town rate or public stock. This act is explained and amended by the 56 Geo. 3. c. 116. E. which recites, that doubts have arisen whether the judges of assize have power under said act to grant to certain officers, who, before the passing of said act, were entitled to certain fees thereby abolished, a certificate for enabling such officers to receive compensation for said fees; and therefore declares and enacts, that it shall be lawful for the judges of assize who have gone the several circuits since the passing of said act, as well as future judges of assize, to grant such certificate, &c.; and the said judges of assize shall receive from every such officer, as previous to the passing of said act was entitled to any fees abolished thereby, an account in writing of what they severally claim to be due to them for such abolished fees, which account shall be verified upon the oath of the party claiming the same, in like manner as is provided by said act in respect to the clerks of assize and clerks of the peace. And by s. 2. the amount of every such account after being verified as aforesaid, shall be paid in the same manner as is provided by said act, in respect of the clerks of assize and clerks of the peace. And this act further recites, (s. 3.) that doubts have arisen whether said act extends to prisoners confined in gaols and prisons under civil process for debt only, and whether prisoners confined in the gaols and prisons of liberties and franchises, under civil process for debt, and the gaolers and keepers of such gaols, &c. are within the meaning of said act; and therefore declares and enacts, that said recited act shall

s. 2.

Compensation paid to them in like manner as to clerks of assize, &c. under 55 Geo. 3. c. 50.

s. 3.

The 55 Geo. 3. c. 50. declared to extend to prisoners confined for debt as well as others.

under civil process for debt only, and whether prisoners confined in the gaols and prisons of liberties and franchises, under civil process for debt, and the gaolers and keepers of such gaols, &c. are within the meaning of said act; and therefore declares and enacts, that said recited act shall

extend

extend to all prisoners as well civil as criminal, whether confined for debt or crime in any of the prisons in England, except as to the prisons in said act excepted ; and that the gaolers, &c. of such gaols, &c. except as aforesaid, and their servants, as well within liberties as without, shall have compensation for their fees or gratuities abolished by said recited act as therein mentioned. This act (s. 4.) contains a special provision with respect to the bordar or keeper of Dovor Castle prison.

s. 4.

Dovor Castle
prison.

P. 1209. l. 13. to P. 1211. l. 19. The 55 Geo. 3. c. 91. I. provides, that it shall be in the power of the court before whom any person shall have been tried and convicted of any felony in Ireland, (or before whom any person shall have been tried and acquitted, in case it shall appear to said court that there was a reasonable ground of prosecution, and that the said prosecutor had *bona fide* prosecuted,) to order, upon prayer of the prosecutor, the treasurer of the county, &c. in which the offence shall have been committed, or shall have been alleged to have been committed, to pay unto such prosecutor such sum as to said court shall seem reasonable, not exceeding the expenses which it shall appear to the court the prosecutor was *bona fide* put unto in carrying on such prosecution ; making, in case the said prosecutor shall appear to the court to be in poor circumstances, a reasonable allowance for his trouble and loss of time ; which order the clerk of the crown or clerk of the peace shall forthwith make out and deliver unto such prosecutor, upon being paid the sum of 1s. ; and the treasurer of said county, &c. shall, out of any public money then in his hands, upon sight of such order, forthwith pay to such prosecutor, or other person authorized to receive the same, such sum of money as aforesaid. And by s. 2. it shall be in the power of the court, where any person shall appear on recognizance or *subpœna* to give evidence as to any felony in Ireland, whether any bill of indictment be preferred or not, provided the said person shall, in the opinion of said court, *bona fide* have attended the said court in obedience to such recognizance, &c. to order the treasurer of the county, &c. in which the offence shall have been

Court may order treasurer of county, &c. to pay to prosecutors for felony their expenses, (though prisoner acquitted) and, if poor, an allowance for loss of time, &c.

54 Geo 3. c. 91.

I.

s. 2.

Court may also order treasurer to pay to persons appearing to prosecute for felony, in obedience to recognizance, or subpœna, their expenses, and, if poor, a compen-

sation for trouble &c. whether indictment preferred or not.

been committed, or shall have been supposed to be committed, to pay unto such person such sum of money as to said court shall seem reasonable, not exceeding the expenses which it shall appear to said court the said person was *bona fide* put unto by reason of said recognizance, &c. making, in case the said person shall appear to said court to be in poor circumstances, a reasonable allowance for his trouble and loss of time ; which order the clerk of the crown, or clerk of the peace, shall forthwith make out and deliver to such person, upon being paid the sum of 6*d.*; and the treasurer of said county, &c. shall, out of any public money in his hands, upon sight of such order, forthwith pay to such person, or to any other person authorized to receive the same, such sum of money as aforesaid. And

s. 3.

Grand juries to present sums so paid by treasurers.

by s. 3. the grand jury, at each assizes and presenting term, shall present all such sums as shall have been so paid by such treasurer, &c. under any such order, and which shall not have been previously presented ; such sums to be so presented either on the county, county of a city, or county of a town, or on any barony, half barony or parish, which shall appear to such grand jury to be justly and peculiarly liable thereto.

Of the Benefit of Clergy.

Returns of persons committed, tried, and convicted, &c. for criminal offences, to be made each year to secretary of state, by clerk of the assizes, &c.
55 Geo. 3. c. 49.
E. & W.

P. 1214. l. 24. The 55 Geo. 3. c. 49. E. & W. provides, that the several clerks of assizes, clerks of the crown, clerks of the sessions of *oyer and terminer* and gaol delivery, clerks of the peace, and town clerks [*within England and Wales,] shall, within the first 14 days of January in every year, return to the [† principal secretary of state for the home department,] the number of persons, male and female

* "Ireland" in 56 Geo. 3 c. 120. I.

† "chief secretary of the lord lieutenant, &c. at his office in Dublin castle" in 56 Geo. 3. c. 120. I.

male, committed to the several gaols in [England and Wales] for trial, and tried or discharged at such assizes, [† and great] and other sessions, at which they respectively act as such clerks, which shall have been holden within the preceding year, distinguishing particularly the crimes with which all such persons were severally charged upon their commitment, the crimes of which such of them as were indicted were respectively indicted, and the crimes of which such of them as were convicted were severally convicted; and distinguishing under each head of offence the numbers convicted, acquitted, discharged by reason of no bill being found against them, and discharged by reason of no prosecution, and the sentences of such as were convicted; and also stating, under each head of offence, the number of those capitally convicted who have been executed; and all such returns shall be made out according to the form contained in the schedule to this act, or in such form, and with such additional particulars, as shall from time to time be ordered by the [§ secretary of state] in that behalf; ¶ and every clerk of assize, or other clerk as aforesaid, who shall refuse or neglect to make any such return in the manner prescribed, shall forfeit £100. to be recovered by information or action at the suit of his majesty. And by s. 2. [* the secretary of state for the home department] shall, between the 24th day of January and 24th day of February in each year, if parliament shall be sitting during any part of such period, or, if not, then within 14 days after parliament shall meet after 24th February in each year, cause such returns to be laid before parliament. And by s. 3. [† the justices of assizes and other justices assembled at their respective assizes and great

s. 2.

Returns to be laid before parliament.

s. 3.

Allowances to clerks of assize, &c. for making such returns, &c.

† "sessions of oyer and terminer, &c. general sessions, quarter sessions" in 56 Geo. 3. c. 120. I.

§ "such chief secretary" in 56 Geo. 3. c. 120. I.

¶ The 56 Geo. 3. c. 120. I. here adds, "and such accounts shall be signed by every such clerk of assize, &c."

* "the chief secretary to the lord lieutenant," in 56 Geo. 3. c. 120. I.

† "the grand juries at the spring assizes for the several counties, &c. in Ireland, and at the presenting term for the county and county of the city of Dublin, next after such returns, &c." in 56 Geo. 3. c. 120. I.

and other sessions,] shall settle the allowances to be paid to the clerks of assize and other clerks as aforesaid, for making such returns, [† and also such as have been heretofore made in pursuance of addresses of the house of commons ;] [§ and all such allowances shall be paid out of the county rates of the several counties, &c. and the said respective justices, &c. are hereby authorized to make an order on the treasurer of the said counties, &c. for payment there-

56 Geo. 3. c. 120. I.

Corresponding act.

of.] And the 56 Geo. 3. c. 120. I. contains similar provisions with respect to Ireland; but with such deviations as are noted in the margin.

The 55 Geo. 3. c. 156. continued so far as relates to repeal of the 24 Geo. 3. c. 56.

56 Geo. 3. c. 27. s. 1 & 2. G. B.

P. 1228. l. 10. The 56 Geo. 3. c. 27. G. B. recites and continues the 55 Geo. 3. c. 156. G. B. so far as relates to the repeal of the 24 Geo. 3. c. 56. Eng.: but provides, (s. 2.) that it shall be lawful for any court or judge, or justice or justices, duly authorized in that behalf, to carry into execution the provision of the 24 Geo. 3. c. 56. in relation to the transportation, removal, or confinement of any offender, convicted and sentenced before the passing of the 55 Geo. 3. c. 156. or to the continuing of any proceedings commenced before the passing of said act, notwithstanding the repeal of the 24 Geo. 3. c. 56. or to proceed in relation to any such offender, or in relation to the continuing any such proceedings under this act, as to such court, &c. shall seem most expedient. And by s. 3. after the passing of this act (30 April, 1816,) it shall be lawful for the court before which any person shall have been or shall be convicted, at any session of *oyer and terminer* or gaol delivery, or at any quarter or other general session of the peace to be holden for any county, riding, division, city, town, borough, liberty or place within England, or at any great session to be holden for the county palatine of Chester, or within Wales, of grand or petit larceny,

Proviso as to offenders convicted, &c. before passing of 55 Geo. 3. c. 156.

s. 3.

Person convicted of crime punishable by transportation may be transferred to any person, &c. contracting for such transportation, either by the court before which he shall be convicted, or any subsequent court, &c.

† These words omitted in the 56 Geo. 3. c. 120. I.

§ "And such grand juries shall present the amount of such allowances to be raised off the county at large, or county of the city or town, to which such returns relate: and the amount when raised shall be paid by the treasurer of such county, &c. to such clerk of assize, &c." are the words here used in the 56 Geo. 3. c. 120. I.

larceny, or any other offence for which such person shall have been or be subject to be transported, (or any subsequent court holden at any place for the same county, &c. with like authority,) to order and adjudge, that such person so convicted shall be transported beyond the seas for any term not exceeding the number of years or term for which such person is or shall be liable to be transported; and in every such case it shall be lawful for his majesty, with the advice of his privy council, to appoint any place or parts beyond the seas, in addition to such as shall have been heretofore appointed by his majesty for that purpose, either within his majesty's dominions or elsewhere, to which such felons or other offenders shall be conveyed or transported; and such court shall order such offenders to be transferred to the use of any person, and his assigns, who shall contract for the due performance of such transportation; and when the king shall extend mercy to any offender who hath been or shall be convicted of any crime for which he is or shall be by law excluded from the benefit of clergy, upon condition of transportation to any place beyond the seas, either for a term of life or any number of years, and such intention of mercy shall be signified by one of his majesty's principal secretaries of state, it shall be lawful for any court, having proper authority, to allow such offender the benefit of a conditional pardon, and to order such offender to be transported for such term of life or years as shall be specified in such condition of transportation, and to make such order of transfer as aforesaid; and when any offender hath been or shall be convicted of any crime for which he is by law excluded from the benefit of clergy, the judge before whom such offender shall be convicted, or any justice of the king's bench, common pleas, or baron of the exchequer, of the degree of the coif, in case the said offender shall have been tried in any court of *oyer and terminer*, &c. in England, or any justice of Chester or Wales, in case such offender shall be tried, &c. within their respective jurisdictions, shall, on such intention of mercy being signified to him by one of said principal secretaries of state, make an order for the immediate transportation of such offender, and for such offender

*His majesty
may appoint
places.*

*Such order of
transfer may be
made by single
judge, where
conditional par-
don signified by
one of the prin-
cipal secretaries
of state.*

fender to be transferred as aforesaid, in the same manner as if such intention of mercy had been signified by one of the said principal secretaries of state during the continuance of the assizes or sessions at which such offender was condemned; and such order shall be considered as an order made at such assizes or sessions as aforesaid, and shall have all the same consequences as any order for the transportation of any offender made by any justice of *oyer* and *terminer*, &c. during the continuance of the assizes or sessions; and such person so contracting, or his assigns, by virtue of such order of transfer as aforesaid, shall have a property in the service of such offender, for such term of life or years for which such offender shall have been ordered to be transported. By s. 4. the clerk of assize,

s. 4.
Clerks of assize, &c. to be paid the same fee as heretofore.

clerk of the peace, or other clerk of the court, shall be paid by the treasurer of the county, &c. the same fee as hath been usually paid, or as such clerk of assize, &c. is entitled to for the order of transportation. By s. 5. every

s. 5.
Persons undertaking to transport offenders to give proper security.

person to whom any offender shall be transferred as aforesaid, shall, before any of them shall be delivered over to him, give security that he will transport, or cause to be transported, effectually, such offender to the place, &c. beyond the seas, as shall be appointed by his majesty, in such manner as aforesaid, and procure such evidence, as the nature of the case will admit, of the landing of such offender in that place, &c. whereto he shall be ordered to be transported, (death and casualties by sea excepted); and that he shall not be suffered to return to Great Britain or Ireland by the wilful default of the person so contracting, or his assigns. And by s. 6. every such court as aforesaid

s. 6.
Court may appoint justice of peace to contract with persons for transportation of offenders.

may appoint 2 justices of the peace for the county, &c. where such offender shall have been convicted, who shall contract with any person who shall be nominated by one of the principal secretaries of state for the performance of the transportation of such offender, and order such security to be taken as aforesaid; and also cause such offender to be delivered by the gaoler or person in whose custody he shall be, to the person contracting, or to his assigns; which contracts and security shall be certified by the justices who shall make and take the same, to the next court

to

to be holden, with the like authority, for the said county, &c. to be filed and kept among the records of such court; and all securities for transportation shall be by bond in the name of the respective clerks of the peace or other *Securities for transportation filed with and sued for by clerks of the peace.* clerks of the court, who shall prosecute such bonds in their own names; for which purpose every such clerk of the peace or clerk of the court, and his successors, shall be deemed a body corporate, and shall be paid all such costs as they shall sustain in every such suit, as the justices of peace at their general quarter sessions shall direct, out of the public stock; and all monies recovered on such bonds shall be for the use of the respective county, &c. and be paid to their respective treasurers, to be part of the public stock; and all charges in or about making the contracts, *Expenses of transporting offenders how defrayed.* taking securities, and conveying felons and other offenders in order to be transported, shall be borne by each county, &c. for which the court was held which ordered such offenders to be transported; and the respective treasurers shall, by order of the justices in quarter sessions, pay all such charges to the persons employed. By s. 7. the persons so contracting, to whom any offenders shall be so delivered, or any persons directed by said justices, (empowered to contract as aforesaid,) or their assigns, may, in such manner as they shall think fit, carry and secure the said offenders in and through any county of Great Britain towards the sea port or place from whence they are to be transported; and if any person shall rescue any such offender, or assist him in making his escape from such person as shall have him in custody as aforesaid, he shall be guilty of felony without benefit of clergy. And by s. 8. *Persons contracting to transport offenders may carry them through any county to the seaport, &c.* if any offender who shall have been or shall be so ordered to be transported, or who shall have agreed or shall agree to transport himself on certain conditions, either for life or any number of years, under the provisions of the *s. 8. Person found at large before expiration of his sentence guilty of a capital felony.* 24 Geo. 3. c. 56. or of the 55 Geo. 3. c. 156. or any other act, to any such place, &c. as shall have been or shall be appointed by his majesty in manner aforesaid, shall be afterwards at large within any part of the united kingdom, without some lawful cause, before the expiration of the term for which such offender shall have been ordered to

*How and where
tried.*

*Certificate of
clerk of assize,
&c. evidence of
conviction and
order for trans-
portation.*

*Reward to pro-
secutors.*

*Proviso as to
king's preroga-
tive.*

s. 16.

*Judges may al-
ter the place to
which any offen-
der is sentenced
to be transport-
ed.*

be transported, or shall have so agreed to transport himself such offender shall suffer death, as in cases of felony without benefit of clergy; and such offender shall be tried either before the justices of assize, *oyer and terminer*, great sessions or gaol delivery, for the county, &c. where such offender shall be apprehended, or from whence he was ordered to be transported; and the clerk of assize, clerk of the peace, or other clerk of the court having the custody of the records where such order of transportation shall be made, shall, at the request of the prosecutor or any other person on his majesty's behalf, make out and give a certificate in writing signed by him, containing the effect and substance only (omitting the formal part) of every indictment and conviction of such offender, and of the order for his transportation, to the justices of assize, &c. where such offender shall be indicted, (not taking for the same more than 6s. 8d.) which certificate shall be sufficient proof of the conviction and order for transportation; and whoever shall discover and prosecute to conviction any such offender so being at large, shall be entitled to a reward of £20. for every such offender so convicted, and shall have such certificate to receive the same, as any person may be entitled to for the apprehending and prosecuting to conviction persons who have committed any robbery on the highway: provided that the king may pardon and dispense with such transportation, and allow the return of any offender to this kingdom. But this act provides, (s. 16.) that if any offender hath already been ordered to be transported to any part beyond the seas, or if any order shall at any time hereafter be made for the transportation of any offender, and such order cannot be conveniently executed with respect to the place in such order mentioned, it shall be lawful for the court of king's bench, or, in the vacation time and out of term, for any 2 justices of K. B. C. B. or Exc. of the degree of the coif, to order that such offender shall be transported to any other part or place beyond the seas, which shall have been appointed by his majesty for the transportation of such offender, in like manner and for the same term of years as such offender is or shall be liable to be transported to the place mentioned in the

the original sentence or order for his transportation ; and such order shall be considered as made at the same time, and shall have all the same consequences as the original order for the transportation of such offender ; and such offender shall be transferred to any person who will contract for the performance of such transportation, and to his assigns, in like manner as if such offender had been transported to the place mentioned in the original order of transportation ; and such person so contracting, or his assigns, by virtue of such order for transfer, shall have a property in the service of said offender, for the remainder of the term for which such offender was originally ordered to be transported ; and in case such offender shall be afterwards at large within any part of Great Britain, without some lawful cause, before the expiration of the term for which he shall have been ordered to be transported, such offender being convicted shall suffer death as in cases of felony without benefit of clergy ; and shall be tried before such judges, and in such manner, and the same evidence made use of for his conviction, as is or shall be directed by the laws now in being, or hereafter to be made for the trial of other offenders, who shall be at large within this kingdom before the expiration of the term for which they were ordered to be transported ; and whoever shall discover and prosecute to conviction any such offender so being at large within this kingdom, shall be entitled to a reward of £20. for every such offender so convicted, and shall have such certificate to receive the same, as any person may be entitled to for the apprehending and prosecuting to conviction persons who have committed any robbery on the high way.

This act provides (s. 9.) that it shall be lawful for his majesty from time to time, by order in writing to be notified by one of his principal secretaries of state, or for any three or more of his justices of peace acting in and for the county, &c. in which any gaol shall be situated, as shall be authorized by his majesty under his sign manual, to direct the removal of any offender who shall be under sentence of death, but reprieved during his majesty's pleasure, or under sentence or order of transportation, and who, having been examined by an experienced surgeon or apothecary, shall

Such order enforced in same manner as original order.

His majesty, or any three justices of peace for county, &c. authorized by his majesty may assign places where offenders shall be imprisoned until their transportation.

shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol or prison in which such offender shall be confined, to such place of confinement within England or Wales, either at land or on board any ship or vessel to be provided by his majesty in the river Thames, or any navigable or other river, or within the limits of any port or harbour of England or Wales, as his majesty, or any 3 of such justices, &c. shall from time to time appoint, under the management of a superintendant and overseer to be appointed by his majesty, or any 3 or more of such justices, &c.; and every offender who shall be so removed shall continue in said place of confinement, or be removed to and confined in any other such place as aforesaid, as his majesty, or any 3 or more of such justices, &c. from time to time shall appoint, until such offender shall be transported according to law, or by the expiration of the term of such transportation, or otherwise, shall be entitled to his liberty, or until his majesty, or any 3 or more of such justices, &c. shall direct the return of such offender to the gaol or prison from which he shall

Sheriff or gaoler to remove such prisoners according to such order of removal.

have been so removed; and the sheriff or gaoler having the custody of such offender whose removal shall be ordered in manner aforesaid, shall, with all convenient speed, after the receipt of the notification of any such order, convey, or cause to be conveyed, every such offender to the place appointed, and there deliver him to such superintendant or overseer, together with a true copy attested by such sheriff, &c. of the caption and order of the court before which such offender was tried, containing the sentence of transportation of each such offender, by virtue whereof he shall be in the custody of such sheriff, &c.; and also a certificate containing his age, and an account of his behaviour in prison before and after his trial, and the gaoler's observations on his temper and disposition, and such information concerning his connexions and former course of life as may have come to the gaoler's knowledge; and such superintendant, &c. shall give a proper receipt in writing to the sheriff or gaoler for the discharge of such sheriff, &c. And by s. 10. all such fees on the delivery out of custody of any such offender so ordered to be removed

Copy of caption, &c. and certificate containing description, &c. of prisoner, to be delivered to superintendant of such place of confinement.

s. 10.

Fees and expenses of sheriff,

moved, as would have been due to the sheriff or gaoler &c. paid by county, &c. where such offender was convicted.
 in case such offender had been removed in order to have
 been transported, and all reasonable expenses which the
 sheriff or gaoler shall incur in every such removal, shall be
 paid by the county, &c. for which the court in which the
 offender was convicted shall have been held; and the she-
 riff, &c. shall receive the money due for such expenses from
 the treasurer of such county, &c. such fees and expenses
 being first allowed by the order of the justices of peace
 at their quarter or other general sessions of the peace, who
 shall make such order as shall be just in that behalf. By
 s. 11. where any offender shall be brought to any such
 place of confinement as aforesaid, in pursuance of the s. 11. Offenders to be cleansed and purified in such places of confinement, and clothes provided.
 powers contained in this act, he shall be washed, cleansed
 and purified, and the clothes in which he shall be then
 clothed shall be burnt, if necessary, or shall be preserved
 for him by the overseer of the place of confinement, and
 re-delivered to him upon his quitting it, or sold for his be-
 nefit, and the produce thereof accounted for to him by the
 overseer aforesaid; and when such offender shall be finally
 discharged, either at the end or other determination of his
 term, such other decent clothing as shall be judged proper
 by the superintendant aforesaid, shall be delivered to such
 offender by the overseer of the place of confinement from
 which he is discharged, and also such sum of money for his
 immediate subsistence, as the said superintendant shall
 think proper, so as such sum shall not in any case exceed
 £3. By s. 12. after the removal of any offender under s. 12. Superintendant &c. of such places of confinement to have the powers and perform the duties of gaolers, &c.
 this act, the superintendant or overseer who shall have
 the custody of him, shall, during the term of such cus-
 tody, have the same powers over him as are incident to
 the office of sheriff or gaoler, and in like manner be an-
 swerable for any escape of such offender; and also, during
 such custody, shall see him fed and clothed according to
 a scale of diet and clothing to be fixed on, and notified in
 writing by one of the principal secretaries of state to the
 superintendant; and shall keep such offender to labour
 at such places, and under such regulations and restrictions,
 as his majesty, or any 3 or more of such justices, so autho-
 rized as aforesaid, shall, from time to time, by any order to
 be

- be directed to such superintendant, &c. appoint. And it is hereby declared, that the time during which any offender shall have continued in gaol under sentence of transportation, or being removed under the provisions aforesaid, shall continue confined by virtue of this act, shall be reckoned in discharge or part satisfaction of the term of his transportation. By s. 13. if any offender shall, during such custody under this act, be guilty of any misbehaviour or disorderly conduct, it shall be lawful for such superintendant, &c. to inflict, or cause to be inflicted, such moderate punishment or correction as may be inflicted by law on persons committed to a house of correction ; and if any such offender shall break from or unlawfully escape from the custody of such superintendant, &c. or if any person shall rescue, or attempt to rescue, or assist in rescuing such offender from such custody, or shall convey or cause to be conveyed any disguise, instrument for effecting escape, or arms, to such offender, every such offence shall be punishable in the same manner as if such offender had been confined in a gaol, &c. in the custody of the sheriff or gaoler, for the crime of which such offender shall have been convicted. By s. 14. the superintendant of the several places of confinement by virtue of this act, shall, from time to time, make returns specifying the name of every person in custody in each of such places of confinement, the offence of which he shall have been guilty, the court before which he shall have been convicted, and the sentence of such court, together with his age and bodily state, and his behaviour whilst in custody ; and also the names of such offenders who shall have died whilst in such custody, or shall have escaped, or have been lawfully discharged ; which returns shall be made on the first day of every Easter and Michaelmas term, to the court of king's bench at Westminster, on the oath of the overseer of such places of confinement, such oath to be made before said court, or any commissioner authorized to take affidavits in the same. By s. 15. it shall be lawful for his majesty to appoint a fit person to be superintendant of any place of confinement, either at land or on board any ship or vessel, to which any such offender shall be removed by virtue of this act ; and, if
- s. 13.
Superintendant may inflict moderate punishment for misbehaviour.
- Punishment for escape or rescue, &c.*
- s. 14.
Superintendant to make returns of prisoners to court of king's bench, every Easter and Michaelmas term.
- s. 15.
His majesty to appoint superintendant, assistants and overseers, during his pleasure.

if deemed expedient, an assistant or deputy to the said superintendent, at each or any of said places of confinement, and to be constantly resident at or near such place of confinement; and also one proper person to be overseer on board each such ship, &c. who, with a sufficient number of officers and guards, shall constantly reside on board; and such superintendent shall personally visit and inspect such places of confinement 4 times in every year, or oftener if occasion shall require, and shall distinctly examine into the state of such places of confinement, the conduct of the respective assistants or deputies, overseers, officers and guards, the treatment and condition of the prisoners, and the amount of the several earnings, and the expenses attending every such place of confinement, and shall make a faithful report of the same to the principal secretary of state for the home department, who shall cause such report to be laid before both houses of parliament, at the beginning of every session; and such superintendent shall distinguish in such report the amount of the earnings and expenses at each of such places of confinement, and shall state the average number of prisoners confined therein, and the number of days' labour done by such prisoners, distinguishing the work of artificers from that of common labourers; and such superintendent shall also, in matters of extreme necessity, make a special report thereof to the said principal secretary of state, who may, if he shall see fit, submit such report to the justices of the king's bench, who may afford such redress, or provide such regulations as they shall deem proper; and such superintendants, assistants or deputies, and overseers, shall continue in office during his majesty's pleasure, and shall receive such salaries as his majesty shall appoint; and such superintendent shall be paid such travelling and other reasonable expenses as shall be incurred by him in discharge of his duty.

Superintendent to inspect such places of confinement, four times in the year, and report all particulars to the secretary of state for the home department, to be laid before parliament.

Special report submitted to justices of king's bench.

By s. 17. the expenses of carrying this act into execution, as far as the same relates to the removal of prisoners convicted, and remaining in custody under sentence of death, and respited during his majesty's pleasure, or under sentence or order of transportation to other places of confinement, and which are not otherwise provided for, shall be

s. 17.

Expenses of carrying this act into execution, &c. annually laid before parliament.

annually

s. 18.
*Pleading, &c.
 in actions
 brought for any
 thing done in
 pursuance of
 this act.*

annually laid before both houses of parliament, and shall be provided for in the next supplies to be granted to his majesty by parliament. By s. 18. if any suit, &c. shall be prosecuted against any person for any thing done in pursuance of this act, such person may plead the general issue, and give this act and the special matter in evidence, and that the same was done by the authority of this act; and if a verdict shall pass for the defendant, or plaintiff shall become non-suit, or discontinue his action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover treble costs, and have the like remedy for the same as any defendants have by law in other cases; and notwithstanding a verdict shall be given to any plaintiff in such action, &c. such plaintiff shall not have costs against the defendant, unless the judge shall certify his approbation of the verdict. And by s. 19. all actions, suits and prosecutions, to be commenced against any person for any thing done in pursuance of this act, shall be laid and tried in the county &c. where the fact was committed, and shall be commenced within 6 calendar months after the fact committed. By

s. 19.
*Limitation of
 such actions.*

s. 20 & 21.
*This act, and
 certain provi-
 sions of the 19
 Geo. 3. c. 74. &
 25 Geo. 3. c. 46.
 continued till
 1st May, 1821.*

s. 20. so much of the 19 Geo. 3. c. 74. as relates to transportation beyond seas, and so much of the 25 Geo. 3. c. 46. as authorizes the removal of offenders to temporary places of confinement, which were continued by subsequent acts of the 28th, 34th, 39th, 42nd, 46th, 53rd and 54th years of the reign of his present majesty, until the 25th of March, 1815, &c. shall be continued until the time herein-after mentioned. By s. 21. this act shall continue until the 1st May, 1821.

*Grand juries
 shall present ex-
 penses of re-
 moving felons
 ordered for
 transportation.
 55 Geo. 3. c. 158.
 s. 6. I.*

P. 1230. l. 26. The 55 Geo. 3. c. 158. I. (s. 6.) recites, that on the removal of persons under sentence of transportation from the gaol of the county to the place of embarkation the usual course in Ireland hath been, that the expense of any such removal hath been borne by the county in which the person so removed was convicted; and that it is doubtful whether the same be sufficiently provided for by law; and therefore enacts, that whenever any person under sentence of transportation, or pardoned on condition of transportation, shall be so removed, the amount

amount of the costs, charges, and expenses of such removal, being duly vouched by the affidavit of the sheriff or sub-sheriff of the county, county of a city or county of a town, in which such person shall have been convicted, or by any other officer having the charge of such removal, shall be presented by the grand jury of such county, &c. at the next or any subsequent assizes or presenting term, to be raised on such county, &c.; which sum shall be raised accordingly, and paid by the treasurer thereof to such sheriff, &c.

P. 1234. l. 9. The 53 Geo. 3. c. 162. E. recites the clause of the 52 Geo. 3. c. 44. which enacts, "that in all cases where any court shall think fit to sentence any person, convicted before such court of felony without benefit of clergy, to imprisonment as or for the punishment or part of the punishment for such offence, such court may moreover direct that the person so convicted shall, during such imprisonment, be kept to hard labour," and repeals this clause; and enacts, that it shall be lawful for any court to pass upon any person who shall be convicted before such court of felony with benefit of clergy, or of any grand or petit larceny, the sentence of imprisonment to hard labour, either alone, or in addition to any other sentence which such court may be authorized to pass upon such person, as to such court shall seem fit; and such person shall thereupon suffer such other sentence, and be moreover imprisoned and kept to hard labour, or be simply imprisoned and kept to hard labour, in such place and for such time as such court shall think fit, not exceeding the time for which such courts may now imprison for such offences.

Court may sentence any person convicted of a clergyable felony, or of larceny, either to imprisonment to hard labour, alone, or in addition to any other lawful sentence.

53 Geo. 3. c. 162. E.

P. 1234. l. 17. The 56 Geo. 3. c. 63. E. & W. which is an act to regulate the general penitentiary for convicts at Milbank in the county of Middlesex,* enacts (s. 43.) that if any convict who shall be ordered to be confined in said penitentiary shall, during the term of such confinement, *Persons ordered to be confined in Milbank penitentiary, who shall break prison or escape, &c. imprisoned for 3 additional years.*

VOL. II.

3 P

ment, years.

* The 52 Geo. 3: c. 44. E. provided for the erection of a penitentiary house for the confinement of offenders convicted within the city of London and county of Middlesex; but its provisions were afterwards extended to offenders convicted at other parts of England and Wales,

56 Geo.3. c.63.
s. 43. E. & W.

*Second offence
a capital felony.*

s. 44.

*Persons rescu-
ing such convicts
maybe imprison-
ed therein for 5
years.*

*A felony for
keeper, &c. to
permit escape
voluntarily, or
for any person
to attempt to
aid convict to
escape, or to at-
tempt a rescue.*

*Negligently per-
mitting escape,
how punished.*

s. 45.

*Convicts escap-
ing, &c. where
tried.*

ment, break prison, or escape from the place of his confinement, or in his conveyance to such place of confinement, or from the person having the custody of such convict, he shall be punished by an addition of 3 years to the term for which he at the time of his breach of prison, &c. was subject to be confined; and if such convict, so punished, &c. shall afterwards be convicted of a second escape, &c. he shall be adjudged guilty of felony without benefit of clergy. And by s. 44. if any person shall rescue any convict who shall be ordered to be confined within said penitentiary, either during the time of his conveyance to said penitentiary, or whilst such convict shall be in the custody of the person under whose care he shall be so confined; or if any person shall be aiding, &c. in such rescue, every person so rescuing or aiding, &c. shall be guilty of felony, and may be ordered to be confined in said penitentiary for any term not less than one year nor exceeding 5 years; and if any person having the custody of any such convict, or being employed by the person having such custody as a keeper, under-keeper, turnkey, assistant or guard, shall voluntarily permit such convict to escape; or if any person shall, by supplying arms, tools, or instruments of disguise, or otherwise, be in any manner aiding, &c. to such convict in any escape, or in any attempt to make an escape, though no escape be actually made, or shall attempt to rescue any such convict, or be aiding, &c. in any such attempt, though no rescue be actually made, every such person so permitting, attempting, aiding or assisting, shall be guilty of felony; and if any person having such custody, or being so employed by the person having such custody, shall negligently permit any such convict to escape, such person shall be guilty of a misdemeanor, and be liable to fine or imprisonment, or to both, at the discretion of the court. And that the prosecution for escapes, breaches of prison and rescues, may be carried on with as little trouble and expense as possible, this statute enacts, (s. 45.) that any convict escaping, breaking prison, or being rescued in manner aforesaid, shall be tried before the justices of *oyer and terminer*, &c. or at the great sessions, either for the county where he shall be apprehended and retaken

retaken, or for the county in which said offence shall have been committed; and in case of any prosecution for any such escape, attempt to escape, breach of prison or rescue, either against the convict escaping, &c. or against any other person concerned therein, or aiding, &c. the same, a copy properly attested of the order for commitment to such penitentiary shall, after proof made that the person then in question before the court is the same that was delivered with such order, be sufficient evidence to the court and jury that such person was so ordered to such confinement.

*Attested copy
of order for
commitment to
penitentiary,
evidence.*

Of Judgment and its Consequences.

P. 1240. l. 1. The 54 Geo. 3. c. 146. U. K. recites, that in certain cases of high treason, the sentence or judgment required by law to be pronounced against persons convicted of said crime is, that they should be drawn on a hurdle to the place of execution, and there be hanged by the neck, but not until they are dead, but that they should be taken down again, and that, while they are yet alive, their bowels should be taken out and burnt before their faces, and that afterwards their heads should be severed from their bodies, and their bodies be divided into four quarters, and their heads and quarters to be at the king's disposal; and that it is expedient in said cases to alter such sentence, &c. and therefore enacts, that in all cases of high treason, in which, as the law now stands, the sentence, &c. ordained by law is as aforesaid, the sentence or judgment shall be, that such person shall be drawn on a hurdle to the place of execution, and be there hanged by the neck until such person be dead, and that afterwards the head shall be severed from the body of such person, and the body divided into four quarters shall be disposed of as the king shall think fit. And by s. 2. in case the king

*Common law
sentence in cer-
tain cases of
high treason al-
tered.*

*54 Geo. 3. c. 146.
U. K.*

King may by warrant countersigned dispense with drawing on a hurdle, and hanging.

king shall think fit after such sentence, &c. shall be pronounced, he may, by warrant under his sign manual, countersigned by one of his principal secretaries of state, direct that said person shall not be drawn, but shall be taken, in such manner as in said warrant shall be expressed, to the place of execution, and that such person shall not be there hanged by the neck, but that instead thereof the head shall be there severed from the body of such person whilst alive; and in such warrant may direct how the body, head and quarters of such person, shall be disposed of; and it shall be lawful for the sheriff, or other person to whom such warrant shall be addressed, and whom it shall concern, to carry the same into execution accordingly.

The punishment of whipping females abolished.

57 Geo. 3. c. 75. U. K.

s. 2.

Confinement to hard labour substituted.

P. 1241. l. 2. The 57 Geo. 3. c. 75. U. K. has enacted that judgment shall not be given against any female convicted of any offence, that such female offender do suffer the punishment of being publicly whipped. And by s. 2. where the punishment of public whipping on female offenders has hitherto formed the whole or part of the judgment to be pronounced, it shall be lawful for the court before whom such offender shall be tried, to pass such sentence of confinement to hard labour in the common gaol or house of correction, in lieu of the sentence of being publicly whipped, as to said court shall seem most proper: provided that nothing herein shall change, alter, or affect any punishment which may be by law inflicted in respect of any offence, except only the punishment of public whipping on female offenders. The punishment of the pillory has been also abolished in certain cases by the 56 Geo. 3. c. 138. U. K. which enacts, that judgment shall not be award-

56 Geo. 3. c. 138. U. K.

Punishment of the pillory abolished except for perjury or subornation of perjury.

ed against any person convicted of any offence, that such person do stand in or upon the pillory, except for the offences herein-after mentioned: provided that all laws now in force, whereby any person is subject to punishment for the taking any false oath, or for committing any manner of wilful and corrupt perjury, or for the procuring or suborning any other person so to do, or for wilfully, falsely, and corruptly affirming or declaring, or procuring or suborning any other person so to affirm and declare, in any matter or thing, which if the same had been deposed in the usual

usual form would have amounted to wilful and corrupt perjury, shall continue in full force, as if this act had not been made. And by s. 2. in all cases where the punishment of the pillory has hitherto formed the whole or a part of the judgment to be pronounced, it shall be lawful for the court before whom such offence is tried, to pass such sentence of fine or imprisonment, or of both, in lieu of the sentence of pillory, as to said court shall seem most proper : provided that nothing herein shall extend to change, alter or affect any punishment which may now by law be inflicted in respect of any offence, except only the punishment of pillory, in manner as herein above is enacted:

s. 2.

Fine or imprisonment, or both substituted.

Of Reprieve and Pardon.

P. 1248. l. 82. The 54 Geo. 3. c. 145. U. K. enacts, that no attainder of felony which shall take place after the passing of this act (27th July, 1814,) save in cases of high treason, or petit treason or murder, or of abetting, procuring or counselling the same, shall extend to the dis-heriting of any heir, nor to the prejudice of the right or title of any person other than the offender during his natural life only ; and it shall be lawful to every person to whom the right to any lands, &c. after the death of such offender should have appertained if no such attainder had been, to enter into the same.

Attainder for felony, (save in treason, petit treason or murder,) shall not extend to dishe-

rison, &c.
54 Geo. 3. c. 145.
U. K.

APPENDIX,

CONTAINING those statutes and clauses of statutes which were omitted to be abridged, in their proper places, in the Supplement.

✧ The letters *P.* and *l.* refer to the pages and lines of the original work.

Provisions in local poor acts in respect to gaining settlement repealed.

54 Geo 3. c. 170. E.

*s. 2.
Children born in prisons or houses of reception of pregnant*

Vol. I. P. 283. l. 27. The 54 Geo. 3. c. 170. E. recites, that divers local acts of parliament have lately passed, containing enactments relative to the maintenance and regulation of the poor, varying the general law with respect to particular districts, &c. and that it is expedient that some of such enactments should be repealed, and that other provisions contained in such acts should be made general, and therefore enacts, that all enactments and provisions in any act, since the commencement of the reign of king George I. whereby any alteration is made in respect of gaining or not gaining a settlement within any particular district, parish, township or hamlet, shall be repealed; and every person shall be deemed to have acquired and to acquire a settlement in every such district, &c. by any ways or means he would or might have done, or would or might do, in case such act had not passed. Provided (*s. 2.*) that no person shall be deemed to acquire any settlement in any district, &c. by reason of such person being born of any mother confined as a prisoner within the walls of any prison, or any house licensed for the reception

ception of pregnant women, in pursuance of the 13 Geo 3. *women, do not gain a settlement.*
 c. 82. Eng. And provided (s. 3.) that whensoever any person shall be born of any poor person, in any house of industry, or house for the reception and care of the poor of any district, &c. which shall be locally situated in any district, &c. contributing to the expenses of maintaining the poor in such house, or in any other district, &c. not contributing to such expense, such person shall, so far as regards the settlement of such person, be deemed to be born in the district, &c. by whom the mother of such person was sent to, and on whose account the mother was received and maintained in such house. *s. 3. Persons born in houses of industry deemed to be born in the district by which the mothers were sent.*

And by s. 4. no person shall be deemed to gain any settlement by reason of any residence within any district, &c. while he shall be detained a prisoner within such district, &c. on any civil process, or for any contempt. *s. 4. No settlement gained by imprisonment under civil process, &c.*

And by s. 5. no gate-keeper or toll-keeper of any turnpike road or navigation, or person renting the tolls, and residing in any toll-house of any turnpike road, &c., shall thereby gain a settlement in any district, &c. *s. 5. Nor by being gate-keeper, &c. on turn-pike road, or navigation.*

And by s. 6. no person shall gain a settlement in any district, &c. by reason of any residence in any house or other dwelling place provided for the residence of such person by any charitable institution, while such person shall be maintained at the expense of such institution, as an object of such charity. *s. 6. Nor by residence in any house, &c. provided by any charitable institution for such person.*

It is also a provision of this act, (s. 7.) that it shall not be lawful for the master, governor, or other person entrusted with the superintendence of any house for the reception of poor persons, or the church-warden, overseer, or other persons elected, &c. under any act of parliament for the management of the poor of any district, &c. to punish with corporal punishment, any adult person under his care for any offence; or to confine any such person, for any offence or misbehaviour, for any longer time than 24 hours, or such further time as may be necessary to have such person before a justice of peace. *s. 7. Governors, &c. of poor houses restrained as to punishing, corporally, adult persons, or imprisoning them for more than 24 hours.*

And this statute enacts (s. 9.) that no inhabitant or person rated or liable to be rated to any rates or cesses of any district, &c. or wholly or in part supported thereby, or executing or holding any office therein, shall, before any court or person, be deemed to be, by *s. 9. Inhabitants or persons rated, &c. made competent witnesses in certain cases.*

reason

reason thereof, an incompetent witness for or against such district, &c. in any matter relating to such rates, &c.; or to the boundary between such district, &c. and any adjoining district, &c.; or to any order of removal to or from such district, &c.; or the settlement of any pauper in such district, &c.; or touching any bastards chargeable, or likely to become chargeable to such district, &c.; or the recovery of any sum for the charges or maintenance of such bastards; or the election or appointment of any officer, or the allowance of the accounts of any officer of any such district, &c. This act contains also other provisions in respect of suing on securities to indemnify against bastards; the removal of paupers and discharging them from the payment of parish rates; and as to distraining for poors' rate, &c. in other districts, &c. than that in which the rate or cess had been made or was due.

*Coadjutors of
bishops may ex-
ercise all powers
&c. of bishops.
52 Geo. 3. c 62.
I.*

VOL. I. P. 318. l. 38. The 52 Geo. 3. c. 62. I. recites, that in cases of the illness or other disability of archbishops and bishops in Ireland, it has been and may be necessary that coadjutors should be appointed; and that several authorities, &c. are by several acts of parliament in Ireland, and otherwise, vested in the several archbishops, &c. and by the charter of the college of Dublin, the archbishop of Dublin for the time being is appointed one of the visitors of said college; and for preventing all doubts that may arise whether all or any of these authorities, &c. may be executed by said coadjutors, this statute declares and enacts, that every person appointed, or who shall be appointed coadjutor to any archbishop or bishop in Ireland, may exercise at all times, according to the commission of such coadjutor, as of right belonging to such archbishop, &c. the same office, authority, jurisdiction and execution of laws and statutes, and all other customs and privileges, and shall and may do all things which such archbishop, &c. might have, use or execute, do or perform, as belonging to his office or dignity, or is empowered or required to do, by virtue of any act of parliament, or by the charter and statutes of said college, or otherwise, as if such coadjutors were archbishops, &c. Provided (s. 2.) that nothing in this act shall authorize any such coadjutor to collate or
present

present to any benefice or ecclesiastical preferment or promotion, in right of such archbishopship, &c. and that nothing herein shall affect any rights, &c. which by law devolve to or become vested in the king, or in any other person, in case of the illness or other disability of any archbishop or bishop.

Proviso as to collating, &c. to benefices; and right devolving upon crown, &c. in case of illness &c.

P. 613. l. 30. It was omitted both in the Digest and Supplement to observe, that the statutes for restraining the negotiation of promissory notes and bills of exchange under a limited sum, within England, (17 Geo. 3. c. 30. Eng. made perpetual by the 27 Geo. 3. c. 16. Eng.) have been from time to time suspended, [* so far as the same relates to the making void of promissory notes or other notes made payable on demand to the bearer thereof, for the sums of one pound and one shilling, and of one pound each, and so far as the same restrain the publishing, or uttering and negotiating of any of such notes.] And the 56 Geo. 3. c. 21. should be referred to which revives and continues, until 2 years after the expiration of the restrictions upon payments in cash by the bank of England, the 37 Geo. 3. c. 32. Eng. “an act for suspending the operation of an act of the 17th year of his present majesty, (17 Geo. 3. c. 30.) for restraining the negotiation of promissory notes and bills of exchange under a limited sum, in England,” as amended.

Statutes restraining the negotiating of promissory notes and bills of exchange under a limited sum, suspended. 56 Geo. 3. c. 21. G. B.

Vol. II. P. 65. l. 36. The following clause of the 54 Geo. 3. c. 68. s. 8. I. though of a local nature, should be here stated. This clause recites the 7 Geo. 3. c. 21. Ir. (see Digest, vol. II. p. 81.) which gives a summary remedy for the recovery of tithes; and also the 27 Geo. 3. c. 40. Ir. 36 Geo. 3. c. 25. Ir. and 39 Geo. 3. c. 16. Ir. by virtue of which the jurisdiction of the recovery of small debts in a summary way at the sessions of the peace of the several counties is established, (see Digest, vol. II. p. 63 to 68.); by which last act the assistant barristers at such sessions are authorized to make decrees on all monitions issuing out of ecclesiastical courts, without any limitation on account of the sum therein contained; but that the chairman of the county of Dublin, whose civil bill jurisdiction is derived from the 2 Geo. I. c. 11. Ir. cannot make a de-

Chairman of county Dublin sessions may decree to any amount upon monitions for predial tithes, issuing out of consistorial court of Dublin. 54 Geo. 3. c. 68. s. 8. I.

* This was the amendment of the 43 Geo. 3. c. 1.

cree for any greater sum on a monition, issuing out of an ecclesiastical court, than £20. and therefore provides that it shall be lawful for the chairman of the sessions of the peace for the county of Dublin to hear and determine, in a summary way, by English bill or paper petition, usually called a civil bill, all actions on monitions issuing from the metropolitan and consistorial court of the diocess of Dublin, for non-payment of sums in which the parties shall have been condemned in the said ecclesiastical court, for pre-dial tithes issuing, growing, and encreasing within the said county of Dublin, and costs of suit, according to the provisions of the 7 Geo. 3. c. 21. Ir. without any limitation respecting the amount of the sum therein contained.

Persons receiving or paying for any gold current coin more than its denomination imports, whether in notes or tokens of bank of England or Ireland, or otherwise, how punished.

52 Geo. 3. c. 50.
U. K.

VOL. II. P. 504. l. 21. The 52 Geo. 3. c. 50. U. K. recites the 51 Geo. 3. c. 127. G. B. (see Addenda I. p. 92.) and that it is expedient that said act should be continued and amended, and extended to Ireland; and therefore en-acts, that no person shall receive or pay for any gold coin lawfully current within the united kingdom, any more in value, benefit, profit or advantage, than the true lawful value which such gold coin doth or shall by its denomination import, whether such value, &c. be paid, made or taken in lawful money, or if paid or taken in Great Britain, in any note or notes, bill or bills of the governor and company of the bank of England, or in any silver token or tokens, issued by the said governor and company, or if paid or taken in Ireland in any note or notes, bill or bills of the governor and company of the bank of Ireland, or in any silver token or tokens issued by said last-mentioned governor and company, or by any or all of said means, wholly or partly, or by any other means, device, shift or contrivance; and every person who shall offend herein shall be adjudged guilty of a misdemeanor, and shall suffer 6 months' imprisonment, and find sureties for his good behaviour for one year more, to be computed from the end of said 6 months; and if the same person shall be convicted a second time of the like offence, he shall suffer one year's imprisonment, and find sureties for his good behaviour for one year more, to be computed from the end of said last-mentioned year; and if convicted of any subsequent offence, he shall be imprisoned

Punishment for a second or subsequent offence.

soned for 2 years for every such subsequent offence. And by s. 2. if any person shall be convicted of receiving or paying

s. 2.

any such gold coin, contrary to the said recited act or this act, and shall afterwards be guilty of the like offence, the clerk of the assize, or clerk of the peace for the county, &c. where such conviction was had, shall, at the request of the

Certificate of clerk of assize, &c. evidence of former conviction.

prosecutor, or any other person on his majesty's behalf, certify such conviction, for which certificate 2s. 6d. shall be paid; and such certificate being produced in court shall be sufficient proof of such former conviction. And by s. 3.

s. 3.

no person against whom any bill of indictment shall be found, at any assizes or sessions of the peace, for any of-

No traverse in prox. allowed, unless for cause.

fence against the 51 Geo. 3. c. 127. or this act, shall be entitled to traverse the same to any subsequent assizes or sessions; but the court at which such bill of indictment shall be found, shall forthwith proceed to try such person, unless he shall shew good cause to the court why his trial should be postponed. And by s. 4. on any prosecution

s. 4.

or trial of any offender against the 51 Geo. 3. c. 127 or

In prosecutions under 51 Geo. 3. c. 127. or this act, not necessary to prove that the money, notes, &c. received or paid for gold coin, were good.

this act, it shall not be necessary to prove that the money,

notes, bills, tokens, securities, warrants or orders for pay-

ment of money or any of them, received or paid for such

gold coin, are respectively good and current money of this

realm, or good notes, &c. or that the same money, notes,

&c. are respectively of the value they on the face of them

import; but such money, notes, &c. shall be deemed to be

good, &c. until the contrary shall be proved to the satis-

faction of the judge, &c.; nor shall it be necessary in any

such prosecution, &c. to prove that the gold coin received

or purchased, contrary to the 51 Geo. 3. c. 127. or this

act, is the current gold coin of this realm, but the same

shall be deemed so to be, if paid or received as such, until

the contrary shall be proved, &c. By s. 5. any person who

s. 5.

shall by any means, &c. receive or pay in Great Britain

Persons receiving or paying note or bill of bank of England or Ireland for less than the amount expressed therein, how punished.

any note or bill of the bank of England, or receive or

pay in Ireland any note or bill of the bank of Ireland, for

less than the amount of lawful money expressed therein,

and to be thereby made payable, (except only lawful dis-

count on such note or bill as shall not be expressed to be

payable on demand,) shall be adjudged guilty of a misde-

meanor

meanor, and be subject to a fine of double the amount of the sum of money specified in such bill, &c. and made payable thereby, and shall suffer imprisonment for a time not exceeding 2 months.

s. 6.

Notes of bank of England or Ireland a good tender in cases of distress or poinding for rent.

This act provides (s. 6.) that in case any person shall proceed, by distress or poinding, to recover from any tenant or other person any rent or sum of money due from such tenant, &c. it shall be lawful for such tenant, &c. in Great Britain, to tender notes of the bank of England, or, in Ireland, to tender notes of the bank of Ireland, expressed to be payable on demand, to the amount of such rent, &c. together with the amount of the costs incurred by such distress, either alone or together, with a sufficient sum of lawful money to the person on whose behalf such distress, &c. is made, or to the officer or person making such distress, &c. on his behalf; and in case such tender shall be accepted, or be made and refused, the goods taken in such distress, &c. shall be forthwith returned to the party distrained upon, or against whom such poinding shall be used, unless the party distraining, &c. shall insist that a greater sum is due than the sum so tendered, and in such case the parties shall proceed as usual in such cases; but if it shall appear that no more was due than the sum so tendered, then the party so tendering shall be entitled to the costs of all subsequent proceedings: provided that the person to whom such rent, &c. shall be due, shall be entitled to all such other remedies for the recovery thereof, exclusive of distress or poinding, and exclusive of ejectment for any forfeiture which shall have been incurred by non-payment of such rent, as such person had at the time of making such distress, &c. if he shall not think proper to accept such tender: provided also that nothing herein shall affect the right of any tenant, &c. to replevy or recover the goods so taken in distress, &c. in case, without making such tender as aforesaid, he shall so think fit.

Proviso as to landlords', &c. other remedies.

And as to tenants right to replevy.

s. 7.

Any sum ordered or allowed to be paid into court, may be lodged in notes of bank of En-

And by s. 7. in all cases in which any sum is required, &c. to be paid under any rule, order, process, judgment, decree, or other proceeding of or in any court of law or equity, or other court, in any part of the united kingdom, or, by any law or usage of any court, is allowed to be paid,

paid, for the staying of proceedings by any party, to any ^{gland or Ireland,}
other party or person, or into any court, or into the ^{in Great Bri-}
hands of any officer of any court, such payment of such ^{tain or Ireland,}
sum in notes of the bank of England, if made in Great ^{respectively.}
Britain, or in notes of the bank of Ireland, if made in Ire-
land, the same respectively being payable on demand to
the amount therein expressed, shall be deemed to be good
payments; and in all cases in which any money shall be ^{And money}
payable out of any such court, or by any officer thereof, ^{may in like}
or of any of them, in the discharge of his duty as such ^{manner be paid}
officer, payment of the sums so payable out of such court, ^{out of court.}
or by such officer, in notes of the bank of England, if in
Great Britain, or in notes of the bank of Ireland, if in
Ireland, such notes respectively being payable on demand
to the amount therein expressed, shall be deemed to be
good payments in law. And by s. 8. in all cases in which ^{s. 8.}
any sum is required to be raised or levied in execution of ^{Where money is}
any judgment or decree, or by virtue of any process or ^{required to be}
proceeding of any court of law or equity, or other court, ^{levied by virtue}
in any part of the united kingdom, or under any distress ^{of any process of}
or proceeding for the recovery of any rent, or of any pe- ^{any court, &c.}
nalty or forfeiture to be levied by distress and sale, &c. it ^{officer may ac-}
shall be lawful for the officer whose duty it shall be to levy ^{cept notes of}
such sum, to accept notes of the bank of England, if such ^{bank of En-}
money is to be levied in Great Britain, or notes of the bank ^{gland or Ire-}
of Ireland, if such money is to be raised in Ireland, (such ^{land, respective-}
notes respectively being payable on demand to the amount ^{ly.}
in such notes expressed,) in payment and satisfaction of
the sums to be raised, &c. and such officer shall not be
compellable to pay the amount of the sums so to be levied,
or any part thereof, to any person, or into any court,
otherwise than in notes of the bank of England, if in
Great Britain, or of the bank of Ireland, if in Ireland;
and after such levying, it shall not be competent by any
further proceeding against the person from whom such
sum was due, or his effects or estate, to compel the levy-
ing such sum, or so much thereof as shall have been rais-
ed and paid in such notes. Provided (s. 9.) that in all ^{s. 9.}
such cases as aforesaid, every person paying any such ^{Persons paying}
notes into any court, or into the hands of any officer of ^{notes into court,}
any ^{or to officer &c.}

shall, if required, indorse said notes, &c. and verify said notes as genuine, and pay amount of said notes if forged. any court, in manner aforesaid, or to any person levying any money under any distress, or under the authority of any court as aforesaid, shall, if required, indorse the notes so paid, and also specify the causes, proceeding or distress, in or under which the same shall be paid, and shall also, if required, verify the same to be notes of the bank of England, if in England, or to be notes of the bank of Ireland, if in Ireland, by affidavit stating that the notes so paid or to be paid are, to the best of the knowledge and belief of the person paying the same, notes of the bank of England or bank of Ireland, as the case may be; and every person so indorsing any such notes shall be liable to pay to the person to whom the same are paid out of any court, or by any officer aforesaid, or under any distress, the full amount of the sum expressed in any of such notes which may prove to be forged. Provided

s. 10.
Persons punished in like manner in Scotland as in England for offences against this act.

s. 11.
Continuance of act.

54 Geo. 3. c. 52.

(s. 10.) that every person who shall commit in Scotland any offence against this act, which, by the provisions thereof, is constituted a misdemeanor, shall be liable to the same fine, penalty and punishment, as are prescribed for the like offence in England. By s. 11. this act was to continue in force until 3 months after the commencement of the then next session of parliament; and was afterwards continued to March 25, 1814, by the 53 Geo. 3. c. 5. but it has been since revived by the 54 Geo. 3. c. 52. and thereby continued during the continuance of any act imposing any restriction on the governor and company of the bank of England with respect to payments in cash.

THE END OF SUPPLEMENT OR ADDENDA II.

A TABLE OF The Statutes ABRIDGED IN THE SUPPLEMENT.

* The statutes marked thus are but partially abridged.

&c. in the first column means "and to the end of the next session of parliament," and in the third column, (&c.) after the figures, supplies the words "and in pages immediately following."

U. K. in the second column means that the act extends to the united kingdom ; G. B. Great Britain ; E. England ; E & W. England and Wales ; E. &c. England, Wales and Berwick ; S. Scotland ; I. Ireland.

✱ The statutes are perpetual, or their duration indefinite, unless otherwise mentioned in the first column, or in the bottom notes.

Post Union Acts.	To what part of the united kingdom extending or relating.	Subject matter. Pages where found.
GEORGE III.		
52 Geo. 3. c. 12.	I. . . .	Naval stores embezzling, 361
— c. 17 in force } to June 15, 1818, by 57 } Geo. 3. c. 33.	E. . . .	Watching and warding, 588, &c.
— c. 29.	I. . . .	Militia, 156
— c. 31.	E. . . .	Wandering soldiers, 431
— c. 32.	E. . . .	Infant suitors' stock transferred, 322
— c. 34.	E. . . .	Insolvent debtors, 295, &c.
— *c. 38.	E. & W. . . .	Local militia, 158, &c.
— §c. 50.	U. K. . . .	Inhancing coin. Depreciating notes, 512, &c.
— *c. 51.	I. . . .	Commissioners of military accounts, 8
— *c. 52.	I. . . .	Commissioners of public accounts, 8
— c. 62.	I. . . .	Coadjutors of bishops, 510
— c. 63.	U. K. . . .	Embezzling securities deposited, 439, &c.
— c. 64.	G. B. . . .	Obtaining bonds, &c. by false pretences 448
— c. 75.	E. . . .	Assessments for poor, 84
— *c. 78.	I. . . .	Commissioners of appeals, 29
— c. 101.	U. K. . . .	Charitable trusts, 309
— c. 102.	E. & W. . . .	Charitable donations registered, 190
— c. 104.	G. B. . . .	Unlawful oaths, 568
— *c. 110.	E. . . .	County rates. Bridges, &c. 83
— c. 116.	E. . . .	Militia, 159
— c. 130.	G. B. . . .	Malicious mischief, 373
— c. 138.	U. K. . . .	Counterfeiting tokens, &c. 336, &c. 44
— c. 143.	G. B. . . .	Revenue offences capital, 425, &c. 4419. &c. 452-3 462-4

§ Revived and continued by 54 Geo. 3. c. 52, during restrictions on payments in cash.

Post Union Acts.	To what part of the united kingdom extending or relating.	Subject matter. Pages where found.
52 Geo. 3. c. 144.	U. K. . . .	Bankrupts' seats in parliament, 212
— c. 146.	E. . . .	Register of births, marriages, &c. 181
— c. 155.	E & W. . . .	Dissenters relieved, 328
— c. 156.	U. K. . . .	Aiding escape of prisoners of war, 363
— c. 157.	U. K. . . .	Circulation of tokens restrained, 338, &c.
— c. 158.	E. . . .	Infant suitors', &c. stock transferred, 322
— *c. 160.	E. & W. . . .	Parochial relief. Poor prisoners, 45
— *c. 161.	E. . . .	Crown lands, 32
53 Geo. 3. c. 19.	U. K. . . .	Issuing, &c. of tokens restrained, 343
— *c. 20.	E. . . .	Militia, 153
— *c. 24.	E. . . .	Vice chancellor appointed, 221
— c. 40.	G. B. . . .	Rate of wages, 170
— *c. 48.	I. . . .	Militia, 157
— c. 49.	E. . . .	Splitting votes. Parliament, 4
— c. 54.	I. . . .	Sale of offices, 179
— c. 66.	I. . . .	Parish churches, 148
— c. 71.	G. B. . . .	Controverted elections, 20, &c.
— c. 76.	I. . . .	Presentment roads, 63
— *c. 77.	I. . . .	Toll bridges, 84
— *c. 81.	G. B. . . .	Militia, 157
— c. 87.	G. B. . . .	Salvage, 444, &c.
— c. 89.	U. K. . . .	Election writs. Parliament, 8
— c. 92.	I. . . .	Bishops' leases. Mensal lands, 198
— c. 102. in force } to Nov. 1, 1818, &c. }	E. . . .	Insolvent debtors, 255, &c.
— c. 106.	I. . . .	Counterfeiting tokens. 353
— c. 107.	I. . . .	Endowed schools regulated, 310
— c. 112.	U. K. . . .	Slave trade, 422
— c. 114.	U. K. . . .	Issuing, &c. of tokens restrained, 343
— c. 127.	E. . . .	Church rates. Ecclesiastical courts, Tithes, 150. 224-5. 228, &c.
— c. 128.	I. . . .	Roman catholics' oaths, 88.
— c. 129.	I. . . .	Sale of offices, 179
— *c. 131.	I. . . .	Court houses, 223
— *c. 132.	U. K. . . .	Militia, 153
— c. 138. in force } to Nov. 1, 1818, &c. }	I. . . .	Insolvent debtors, 255 to 287. 296, &c.
— c. 139.	U. K. . . .	Bank of England notes, imitating, 450
— c. 141.	E. & W. . . .	Annuities registered, 207 to 212
— *c. 146.	I. . . .	Post roads, 82
— *c. 151.	U. K. . . .	Admiralty registrar, 464
— *c. 153.	E. . . .	Judges' pensions, 29
— c. 159.	G. B. . . .	Ship owners' responsibility, 257, &c.
— c. 160.	G. B. . . .	Dissenters relieved. Heresy. Blasphemy, 328
— c. 162.	E. . . .	Clergyable felonies. Imprisonment, 503
54 Geo. 3. c. 4.	U. K. . . .	Issuing, &c. of tokens restrained, 343
— *c. 11.	U. K. . . .	Militia, 156
— c. 14.	U. K. . . .	Accountant general of chancery, 326
— c. 16.	U. K. . . .	Seats in parliament vacated, 7
— c. 23. in force } to Nov. 1, 1818, &c. }	E. . . .	Insolvent debtors, 287, &c.
— †c. 52.	U. K. . . .	Inhancing notes. Depreciating notes, 516
— c. 56.	G. B. . . .	Copyright. Models and casts of busts, 205, &c.
— c. 60.	G. B. . . .	Embezzlement. Cordage. 362
— *c. 62.	I. . . .	Public infirmaries or hospitals, 87

† In force during restrictions on payments in cash.

Post Union Acts,	To what part of the united kingdom extending or relating.	Subject matter, Pages where found,
54 Geo. 3. c. 68.	I. . . .	Ecclesiastical courts. Tithes. Church rates, 152, 225-8, &c. 511
— *c. 70.	E. . . .	Crown lands. Forgery, 33. 452
— c. 84.	E. . . .	Michaelmas quarter sessions, 467
— *c. 86.	U. K. . . .	Personating soldiers, Forgery, &c. 462
— c. 90.	E. . . .	Bridges, &c maintained, 82
— c. 91.	E. . . .	Overseers of the poor, 84
— *c. 95.	I. . . .	Judges' annuities, Ireland, 29
— c. 96.	E. & W. . . .	Apprentices, &c. 172
— c. 101.	E. & I. . . .	Child stealing, 438
— *c. 107.	E. & W. . . .	Parish apprentices, &c. 84
— c. 109.	E. . . .	Highways. Statute duty, 59
— c. 112.	I. . . .	Fever hospitals, 87
— c. 114. in force } to Nov. 1, 1818, &c. }	I. . . .	Insolvent debtors, 293
— c. 115.	I. . . .	Burning land, 431
— c. 116.	I. . . .	Wages recovered, 170
— c. 117.	I. . . .	Churches. Church yards, 149
— c. 131.	I. . . .	County police. Constables, &c. 46 to 51 226
— *c. 133.	G. B. . . .	Stamps, Forgery, 454
— c. 145.	U. K. . . .	Attainder for felony, 507
— c. 146.	U. K. . . .	Sentence in high treason, 505
— c. 156.	U. K. . . .	Copyright. Books, 200, &c.
— *c. 159.	U. K. . . .	Regulation of ports, harbours, &c. 30, &c.
— c. 168.	U. K. . . .	Attestation of deeds, &c. in execution of powers, 196
— *c. 170.	E & W	Settlement of poor, &c. 508, &c.
— †c. 180.	I. . . .	Peace preservation, 377, &c.
— c. 181.	I. . . .	Remedy for assaults, 226, &c.
— c. 186.	U. K. . . .	Prisoners escaping. Warrants, 469,
55 Geo. 3. c. 13.	I. . . .	Superintending magistrates. Constables 51, &c.
— c. 43.	E. & W. . . .	Examiners of measures, 426, &c.
— *c. 46.	E. . . .	Lunatics. Paupers. Criminals, 35
— *c. 48.	E. & W. . . .	Clergymen. Gaols, &c. 45
— c. 49.	E. & W. . . .	Returns of prisoners committed, tried, &c. 490, &c.
— *c. 50.	E. . . .	Gaol fees abolished, 45. 486, &c.
— *c. 65.	G. B. . . .	Militia, 153
— c. 68.	E. . . .	Highways, 57, &c.
— c. 88.	I. . . .	Assaults, 227
— *c. 89.	I. . . .	Court-houses, 225
— c. 91.	I. . . .	Costs. Witnesses. Felony, 489
— *c. 92.	I. . . .	Gaols building, 46
— *c. 101.	I. . . .	Stamp duties. Forgery, 460
— *c. 114.	I. . . .	Master of the Rolls. Six-clerks. 179
— c. 127.	U. K. . . .	Naval and ordnance stores. Embezzling, 362
— c. 134.	E. . . .	Pre-emption of ore, 35
— *c. 143.	E. . . .	County bridges, 82
— c. 147.	E. & W. . . .	Exchange of glebes, 132, &c.
— c. 157.	U. K. . . .	Commissioners of affidavits, &c. 253 324
— c. 158.	I. . . .	Constables, compensation to, 55. 470 502
— *c. 161.	I. . . .	Stamp duties. Forgery, 460
— *c. 184.	G. B. . . .	Stamp duties, Forgery, 455
— *c. 185.	G. B. . . .	Stamp duties. Forgery. 455. 463
— c. 192.	E. & I. . . .	Wills. Copyholds, 198, &c.
56 Geo. 3. c. 5.	U. K. . . .	Naval courts martial. Pardon, &c. 168-9

† In force for one year from the end of the session of 1817, by 57 Geo. 3. c. 50.

Post Union Acts.	To what part of the united kingdom extending or relating.	Subject matter. Pages where found.
†56 Geo. 3. c. 21.	G. B. . . .	Negotiating notes, &c. under a limited sum, 511
— c. 22.	U. K. . . .	Detention of N. Buonaparte, 364, &c.
— c. 23.	U. K. . . .	Intercourse with St. Helena. Buona- parte, 366, &c.
— c. 27. in force } to May 1, 1821. }	G. B. . . .	Transporting offenders, 492, &c.
— c. 38.	G. B. . . .	Local militia, ballot suspended, 162
— c. 39.	U. K. . . .	Yeomanry exercises, 162
— c. 40. in force } to July 5, 1818. }	G. B. . . .	Payments in cash restrained, 253
— *c. 46.	U. K. . . .	Civil list regulated, 44
— §c. 48.	I. . . .	Payments in cash restrained, 253
— c. 50.	E. & W. . . .	Sale of farming stock, &c. under execu- tion, 301
— c. 52.	E. & W. . . .	Glebe lands, &c. exchanged, 143
— *c. 56.	I. . . .	Stamp duties. Forgery, 456, &c.
— *c. 58.	G. B. . . .	Beer colouring. Substitute for malt, &c. 430
— *c. 63.	E. . . .	Milbank penitentiary, 503, &c.
— *c. 64.	G. B. . . .	Militia, 155
— c. 68.	U. K. . . .	Coinage. Currency of gold and silver, 354, &c.
— c. 71.	I. . . .	Quit rent arrears, 34
— *c. 72. in force } during sess. 1818, }	I. . . .	Yeomanry billeting, &c. 163
— c. 73.	U. K. . . .	Larceny. Mines, 443
— *c. 78.	I. . . .	Stamp duties. Forgery, 463
— c. 82.	U. K. . . .	Admiralty courts, 225
— c. 87.	I. . . .	Bills of indictment. Grand juries, 484
— c. 88.	I. . . .	Tenants absconding, overholding, &c. 215-6 243-4, &c.
— *c. 98.	U. K. . . .	Revenue of Gt. Britain and Ireland con- solidated, 8. 41. 308.
— c. 100.	U. K. . . .	<i>Habeas Corpus</i> acts amended, 233, &c.
— c. 102. in force } to Nov. 1, 1818, &c. }	E. . . .	Insolvent debtors, 294, &c.
— c. 116.	E. . . .	Gaol fees abolished. 45, 488
— c. 117.	G. B. . . .	Insane criminals, 485
— c. 12 .	I. . . .	Returns of prisoners committed, tried &c. 490. &c.
— c. 125.	G. B. . . .	Collieries. Malicious mischief, 375, &c.
— c. 126. in force } to Nov. 1, 1818, &c. }	I. . . .	Insolvent debtors, 300
— *c. 128.	E. . . .	Crown lands alienated, 34
— c. 129.	E. & W. . . .	Maintenance of poor, 85
— c. 137.	G. B. . . .	Bankrupts, 214
— c. 138.	U. K. . . .	Pillory, punishment by, restrained, 506
— c. 139.	E. & W. . . .	Parish apprentices, 173, &c.
— c. 141.	E. . . .	Churchyards enlarged, 149
57 Geo. 3. c. 6.	U. K. . . .	Treason. Prince Regent, 335
— c. 7.	U. K. . . .	Army seduction, 363
— c. 11.	E. . . .	Adding and justifying bail, 253
— *c. 13.	U. K. . . .	Annual mutiny acts. Marines, 168, 371
— c. 18.	E. . . .	Equity exchequer, 221
— §c. 19.	G. B. . . .	Seditious meetings, 404, &c.
— c. 21. in force } to Apr. 29, 1819, &c. }	I. . . .	Arms act continued, 388
— c. 22.	I. . . .	Constables, additional, 54
— *c. 31.	U. K. . . .	Annual lottery act, 434, &c. 443. 453
— *c. 34.	G. B. . . .	Employment of poor. Forgery, 452
— *c. 35.	U. K. . . .	Annual mutiny act. Army, 163, &c.

† In force until 2 years after ceasing of restriction on payments in cash.
§ In force for 3 months after ceasing of restriction on bank of England.
¶ In force to July 24, 1818. as to part, and other clauses permanent.

Post Union Acts.	To what part of the united kingdom extending or relating.	Subject Matter. Pages where found.
GEORGE III.		
— c. 38. in force } to June 15, 1818. }	G. B. . . .	Watching and Warding, 404
— c. 39.	E. . . .	Stock transfer. Friendly Societies, &c. 323
— c. 44.	G. B. . . .	Yeomanry. 162
— c. 45.	U. K. . . .	Continuance of officers. Demise of king. 152
— c. 46.	U. K. . . .	Tokens, copper, &c. circulation of restrained, 348, &c.
— *c. 48.	U. K. . . .	Revenues of Great Britain and Ireland consolidated, 43
— c. 50. in force for } 1 year from sess. of 1817. }	I. . . .	Peace preservation, 388
— c. 52.	E. . . .	Rent. Vacant possession. 244
— c. 53.	U. K. . . .	Foreign Murders, 466
— c. 55. in force } till March 1, 1818 }	G. B. . . .	Habeas Corpus acts suspended, 1
— c. 56.	I. . . .	Forfeited recognizances, 471, &c.
— *c. 57.	G. B. . . .	Militia, 154-5
— c. 68.	I. . . .	Sheriffs, Under-sheriffs, 44. 304
— c. 70.	I. . . .	Dissenters relieved, 334
— c. 75.	U. K. . . .	Whipping females. 506
— *c. 79.	U. K. . . .	Transfer. Funds, Forgery. 451
— c. 90.	G. B. . . .	Destruction of game, 432
— c. 91.	E. & W. . . .	Clerks of the peace. Fees, 467
— c. 92.	U. K. . . .	Oaths. Army. Navy, 371
— c. 93.	E. & W. . . .	Distress. Rent. Costs, 217, &c.
— c. 99.	E. . . .	Clergy, residence. Curates, 89, &c.
— c. 101. in force } to end of sess. 1824. }	E. & W. . . .	Frivolous arrests, 252-3
— c. 104.	I. . . .	Militia, 157
— c. 106.	I. . . .	Lunatic asylums, 85
— c. 107.	I. . . .	Grand jury presentments, 64, &c.
— c. 108.	I. . . .	Tolls, &c. levied at fairs, &c. 371
— c. 113.	E. . . .	Dollars and tokens, 343
— c. 117.	E. . . .	Extents in aid, 305
— c. 126. in force } to Aug. 1, 1820. }	E. . . .	Malicious mischief. Stocking or lace frames, 448
— *c. 127.	U. K. . . .	Seamen. Marines. Forgery, 460
— c. 131.	I. . . .	Elections. Parliament, 4 to 6—11 to 19

Errata et Corrigenda.

PAGE. LINE.

- 141 —in second side note after the word “sales” the words “by corporations, infants, &c.” should follow.
- 190, —in side note after the word “statement” insert “of the estates”
- 223, 6, after the word “provided,” add (s. 6.) and in margin, insert (s. 6.) also.
- 229, 20, after the word “setting,” insert the word “out.” And for the 3d and 4th asterisks, * substitute two daggers †.
- 271, —in 2nd side note, for “as bankrupts” read, “as in case of bankrupts.”
- 295, —in 2nd side note after “act repealed,” add “or altered, &c.”
- 300, 26, for c. 128. read c. 138.
- 330, 10, for Addenda read Digest.
- 337, —in first side note after the word “imprisoned,” add “one year, and find sureties for.”
- 408, —in first side note for “disposed” read *dispersed.*”
- 422, —in 2nd side note, for 52 Geo. 3. c. 113. read 53 Geo. 3. c. 113; and for 55 Geo. 3. c. 72. read 55 Geo. 3. c. 172.
- 436, —in first side note after the word “other” add “tickets or”
- 437, —after s. 63. in margin, add “Pleading, &c. in actions brought for any thing done under this act.”
- 449, —in last line of marginal notes for G. B. read U. K.
- 452, —in first marginal note for G. B. read U. K.
- 464, —in first side note for 53 Geo. 3. c. 151. s. 12. E. read 53 Geo. 3. c. 15. s. 12. U. K.
- 487, —opposite to line 3rd insert in margin, s. 5. “fees of clerks of assize, &c. abolished.”
- 489, —in second marginal note, for 54 Geo. 3. c. 91. read 55 Geo. 3. c. 91.

INDEX.

- 2, 27, after the word “taking” add “oath of”
- 3, —in fifth line from bottom after II. 598. add *Ad. I. 95.*
- 8, 9, for *Ad. I. 423*, read *Ad. I. 42-3*
- 9, after the 4th line insert “seducing soldiers or seamen from, II. 521. *Ad. II. 363.*”
- 21, 11, after II. 200. add *Ad. I. 76.*
- 43, —in sixth line from bottom after *Ad.* add the numerals II.
- 44, —in tenth line from bottom after II. 486, add *Ad. I. 89.*
- 51, —in last line after “Barrister,” add “Paupers, Perjury.”
- 53, —in last line but one before II. 112. insert *Ad.*
- 54, 8, before the numerals II. insert *Ad.*
- 58, —in last line from bottom after abjuration, insert “and”
- 62 32, for *Ad. I. 92.* read *Ad. II. 92.*
- 66, 17, after &c, add *Ad. II. 198.*
- 83, 31, after this line insert “the registry of baptisms, marriages, and burials,” *Ad. II. 10*
- 89, 13, after “Libel” add “Insurrections.”
- 84 —in last line refer also to *Ad. I. 119.*
- 85 —in 11th and 12th lines from bottom for “punished as incorrigible rogues,” read “how punished in Great Britain,” and in the 10th line from bottom after the figures 866. add *Ad. II. 432.3*
- 92, 7, *dele* the word “Oaths.”
- 100, —in 9th line from bottom after 256, add *Ad. I. 76.*

INDEX.

The numeral I, immediately following the matter refers to the first volume of the Digest : The numerals II. to the second volume, (commonly bound in two parts) : The ciphers to the pages : *Ad. I.* to the Addenda annexed to the original work ; and *Ad. II.* to Addenda II. or supplemental volume.

ABATEMENT,

injury of, writ of assize the remedy for, II. 126, &c.

action between party and party shall not abate by death of king, nor by death, new commission or not coming of the justices ; nor by plaintiff being made a peer, &c. II. 216.

dilatory pleas in assizes of novel disseisin, &c. abolished, II. 219, &c.

dilatory pleas to be verified by affidavit, II. 221

action shall not abate by death of co-plaintiff or co-defendant, when, II. 221.

of nuisances, II. 757, 8. 764, 5. 895

no writ or proceeding for debt, &c. due to the crown, nor proceeding in equity, nor *certiorari*, *habeas corpus*, or process of contempt, &c. discontinued by death of king, II. 1110, 1

no commission of assize, &c. or of the peace, or of delegacy or review in matters ecclesiastical or maritime, &c. determined by demise of the crown, II. 1110

no process upon indictment or information determined by death of king, II. 1110.

See *particular heads*.

ABBEY LANDS,

exempt from tithes, I. 436

a *præmunire* to molest persons in respect to, II. 535

ABBREVIATIONS,

how far allowed in writs, &c. II. 228, 9

ABDUCTION,

forcible of women having goods or lands, &c. II. 910, 1
a capital felony if forcible, though unaccompanied by
marriage or defilement, II. 911

fraudulent of maid under 16 years of age by person above
the age of 14, from parent or guardian: punishment
of such offence; and for defiling or contracting matri-
mony with her, II. 912, 3

and marriage by fraud, &c. of maids under 18 years of
age having lands, &c. by person above the age of 14
years, how punished, II. 913, 4

estate of such maids how disposed of, II. 914

female persuading son and heir, or person having lands,
&c. to marry before age of 21, without consent, exclu-
ded from dower, &c. II. 915.

accessaries to, or clergymen celebrating such marriages,
how punished, II. 915

persons of full age marrying those under age having cer-
tain fortunes, without consent of father, &c. fined and
imprisoned, II. 916

ABETTERS, SEE ACCESSARIES.

ABJURATION,

form of this oath, I. 289, 300

by whom taken, and when and where, I. 291, &c. *Ad.* II.
371.

affirmation of quakers similar to oath, II. 563

penalty for not taking, II. 561 to 569

ABORTION,

administering poison or medicine, &c. to produce it, II.
903

ABSCONDING,

an act of bankruptcy, I. 615

tenants how ejected for non-payment of rent, II. 136, 8.
158, *Ad.* II. 244, &c.

ABSENCE,

of persons upon whose lives estates depend, for 7 years,
presumptive evidence of their death, I. 460, 1

for 7 years takes case out of statute of polygamy, II. 752.

ABSENTING,

so that creditors can't have access, an act of bankruptcy,
I. 615

ABSOLUTE RIGHTS, SEE LIBERTIES AND RIGHTS.

ACCEPTANCE, SEE BILL OF EXCHANGE.

ACCESSARIES,

to crime of piracy, II. 466, 7, 9

to slandering king's title, or detaining fortresses, &c. II.
472

to doing any thing to the peril of the king's person, or
in derogation of his title, &c. II. 472

to counterfeiting king's sign manual, privy signet or seal,
II. 474

to forging foreign coin current in the realm, II. 474

ACCESSARIES, *continued.*

- to making, &c. dyes, &c. to stamp current gold or silver coin, II. 475
- to colouring coin resembling the current coin, II. 476
- to washing over shillings, &c. to resemble guineas, &c. II. 477
- to clipping, diminishing, &c. any current coin, II. 478
- to bringing counterfeit money into the realm, II. 479
- to using popish bulls, &c. within the realm, II. 480
- to withdrawing subjects from their allegiance, II. 481, 2
- to defeating the protestant succession, II. 483
- to coining or counterfeiting copper money, II. 490, 1
- to counterfeiting dollars or tokens, II. 496, &c.
- to enlisting in foreign service, II. 510, 2, 3
- to defacing marks of king's stores, II. 517
- to burning ships, &c. in dock yards, II. 519
- to administering unlawful oaths, II. 523, *Ad. I. 94. Ad. II. 368, 9*
- to offence of *præmunire*, II. 530 1, 2, 3, 6, 7. 541, 2
- to counterfeiting foreign coin not current, II. 545
- to embezzling or vacating records, II. 581
- to resisting execution of process, II. 582, 3
- receivers of stolen goods punishable as such, II. 587, 8. 595
- harbourers of burglars, felons or thieves, deemed such, II. 588. 595
- to offences in black act and whiteboy act, II. 626. 630
- to obstructing sale or exportation of corn, II. 640
- to forcible possession, II. 657
- to smuggling, II. 674. 683. 6. 692 *Ad. II. 424*
- to killing game in the night, II. 771
- to killing deer, II. 829. *Ad. I. 119*
- to killing conies, II. 844
- to administering poison, &c. with intent to murder or produce miscarriage, II. 903
- to murder, II. 904, 7. 1167, &c. 1173
- to petty treason, II. 907
- to mayhem, II. 909, &c.
- to abduction, II. 910, &c.
- to arson, II. 919. 920
- to burglary, II. 921
- to embezzlement by clerks, II. 924
- to embezzlements from post office, II. 926, &c. 956, 7
- to stealing trees, &c. II. 932 to 951, &c.
- to stealing lead, &c. from houses, II. 951, 2
- to larceny in mines of black lead, II. 953
- to plundering wrecks, II. 958, &c.
- to stealing horses, &c. II. 977, 8
- to stealing or killing sheep, &c. II. 978
- to stealing linen, &c. from bleaching ground, &c. II. 987, 8
- to stealing from ships, &c. II. 992, 3
- to robbing churches, &c. II. 995

ACCESSARIES, continued,

- to robbing dwelling house, &c. II. 996, 7
- to privately stealing from shop, &c. II. 997, 8
- to stealing privily from person, II. 999
- to robbery in dwelling house, or in or near highway, II. 1000, 1
- to offence of setting fire, &c. to fences &c. II. 1007, 8
- to burning, &c. houses, hay yards, &c. II. 919, 1010
- to killing horses, cattle or sheep, II. 1020
- to destroying manufactures in wear or not, &c. II. 1024, 5
- to drowning colliery, &c. II. 1030, 1
- to casting away ships to injure owners, &c. II. 1032
- to forgery, II. 749. 1042 to 1101. *Ad. I.* 125 to 129
Ad. II. 439 to 465
- to escape from penitentiary, II. 1237, 9. *Ad. II.* 504
- appeals brought against them, II. 1167. 1187, 9
- before the fact where tried, II. 1180
- may be tried, though principals admitted to benefit of clergy, or pardoned, &c. II. 1196

ACCIDENT,

- no recompence for damage by fire in house, if accidental : proviso as to agreements between landlord and tenant, II. 120. *Ad. I.* 64
- owners of ships, how far liable for losses by accident, II. 120. *Ad. II.* 237, &c.

ACCOUNT,

- writ of by executors, and executors of executors, I. 661
- proceeding against bailiffs and other receivers, II. 118, 9
- against executors, &c. of guardian, bailiff or receiver, II. 119
- by one joint-tenant or tenant in common, &c. against co-tenant, &c. II. 119
- action of to be brought within 6 years, &c. II. 233
- costs of such actions recoverable, II. 270

ACCOUNTANT-GENERAL,

- suitors' in chancery, their money deposited in bank with his privity, II. 360, &c.
- transferrable securities taken in his name, vest in successor, II. 361. *Ad. II.* 326
- duty of this officer in Ireland in respect to suitors' money, in court of chancery or exchequer, II. 362, &c.

ACCOUNTANT—See KING'S DEBTS.**ACCOUNT-BOOKS,**

- of tradesmen, &c. when evidence after a year, II. 259
- See **BANKRUPT.**

ACCUMULATION

- of rents and profits restrained so as to avoid perpetuities, I. 473.

ACCUSATION.

- false suggestions to obtain process of the peace, how punished, II. 1102
- persons accusing to find sureties for the damage of persons accused, II. 1165, 6

ACKNOWLEDGING,

fine, recovery, &c. in another's name, a capital felony, II
581

ACQUITTAL.—See FEES.**ACQUITTANCE.—See FORGERY. LARCENY.****ACTING PARTNER.—See ANONYMOUS PARTNERSHIP.****ACTION**

of replevin, II. 107 to 113

by assignees, II. 113

upon promises, II. 114

popular or penal, II. 115 to 118

of account, II. 118

on the case, II. 120

possessory, II. 122 to 131. 134 to 144

real, II. 131, &c.

of ejectment, II. 135, &c.

of trespass, II. 144, &c.

of nuisance, II. 152

of waste, II. 153, 4

of subtraction, II. 155, &c.

of disturbance, II. 159, &c.

See ABATEMENT, EXECUTORS, OFFICERS, PLEADING,
PRIVILEGE, &c.

ACT OF EXPLANATION, I. 184**ACT OF SETTLEMENT,**

of crown, I. 150

of forfeited estates, I. 180, &c.

ACTS —See STATUTES.**ADDITIONS,**

of defendants in actions, appeals & indictments, II. 1184, 5

See JURIES, REGISTRY, &c.

ADHERING. See TREASON.**ADJOURNMENT.—See EXCHEQUER-CHAMBER. FINE.**

PARLIAMENT.

ADMINISTERING OATHS

of a seditious nature, or taking them, a felony punishable
with transportation, II. 522, &c. *Ad. I. 93.*

binding person to commit treason, or felony punishable
with death, a capital felony, *Ad. II. 368.*

compulsion how far an excuse for such offences, II. 522.

Ad. I. 94. Ad. II. 368.

indictment for such offences, how to be, &c. II. 523-4—

Ad. I. 94. Ad. II. 369

ADMINISTERING POISON, &c. See ABORTION.**ADMINISTRATION**

to widow or next of kin, or both, of intestate, or of tes-
tator where executors renounce, I. 655

bond by administrator to ordinary, &c. for due adminis-
tration, I. 655

surplus of intestates' estates, how distributed and when,
I. 656, &c.

inventories how made by executors and administrators,
I. 657, 8

ADMINISTRATION *continued,*

disabilities of papists in respect of advowsons, I. 432, &c.
special how granted, where executor is out of the jurisdiction of courts of law or equity, I. 659

where an infant is sole executor, administration with the will annexed granted to guardian or other fit person, I. 660

administrator *de bonis non* may sue upon judgment of executor or administrator, I. 661.

See EXECUTOR and *particular heads.*

ADMIRALTY,

jurisdiction of this court defined, II. 57

special action given for excess of jurisdiction, II. 58

sentence of delegates upon appeals, final, II. 58

the office of lord high admiral may be executed by commissioners, II. 58.

instance court of admiralty in Ireland established : appeal from this court to delegates in chancery, II. 58

judge of this court to hold during good behaviour, I. 159

treasons, felonies, &c. committed upon the sea, or within admirals jurisdiction, tried at such place within the realm, and before such commissioners, as shall be appointed by the king, II. 465. 1106, 7, 8. *Ad.* I. 133
commission how directed in cinque ports, II. 1107.

offences committed upon the high seas, punished as if upon shore, II. 1108

piracies, &c. committed upon the sea, &c. may be tried before commissioners at sea, or in any of the king's islands, &c. and how, *Ad.* I. 130, &c.

such piracies, &c. may be tried under commission directed to commissioners within the realm, under 28 Hen. 8. c. 15. *Ad.* I. 133

acts of surrogates in admiralty courts of colonies, valid though not appointed by lords commissioners, *Ad.* II. 225

murders, &c. committed in settlements under jurisdiction of the king, by master or crew of British ship, tried in any of the king's islands, &c. by commission. *Ad.* II. 466

See HARBOURS. INDICTMENT. PIRACY.

ADULTERATION

of wine, beer, &c. how punished, II. 748. *Ad.* I. 153. *Ad.* II. 430

ADVERTISEMENT

offering reward for return of things stolen, &c. with no questions asked, &c. or publishing the same, how punished, II. 598

See ASSEMBLIES, COMBINATION, LIBEL, NEWSPAPER.

ADVOCATES. See CATHOLICS.**ADVOWSON**

does not pass by grant of a manor, &c. without express words, I. 431

ADVOWSON *continued,*

papists' right to presentation transferred to universities in England, I. 432, &c.

archbishops to examine persons presented upon oath, as to their being trustees for papists, I. 433

grants or devises of advowsons for benefit of papists, void I. 434

papists' right of presentation in Ireland, vested in king, I. 434

three original writs of advowson, one of right, and two of possession, II. 160

usurpation of churches during particular estates avoided by possessory writ of *darrein presentment*, or *quare impedit*, II. 160, 1

remedy for disturbance of patronage by party to fine or agreement inrolled respecting presentation, II. 161

damages how awarded in *quare impedit* and *darrein presentment*, II. 161

writs of granted for chapels, prebends, hospitals, &c. II. 162

no usurpation shall displace estate of patron, II. 162

when king collates, &c. in another's right, his title examined, and may be counterpleaded, II. 162

the king's presentee shall not be received to a church full, until right established: and incumbent, if put out, may sue at any time, II. 163

See LIMITATION. PARTITION. QUARE IMPEDIT.

AFFIDAVITS,

commissioners for taking, how appointed, II. 204. *Ad.* II. 253. 324

judges of assize may take them, II. 205

the day and place of taking to be mentioned in the caption, II. 205

not to be read till filed, II. 205

AFFINITY. See JURY.**AFFIRMATION.** See QUAKERS.**AFFRAY,**

with lord or knight of the shire, &c. coming to parliament or other council of the king, how punished, II. 659

in church or church-yard, how punished: and suit for in ecclesiastical court, when brought, II. 659, &c. 1126.

AGISTMENT,

tithe for dry and barren cattle, abolished, I. 437, 8

AGREEMENTS,

for leases, &c. of lands made by livery and seisin only, or by parol, and not put in writing and signed by parties &c. of what effect. I. 518

for sale of goods for £10. not binding, unless buyer receives part, or gives something in earnest, &c. or unless note or memorandum in writing, signed by parties to be charged, &c. I. 596

in what other cases required to be in writing, and signed, &c. II. 114

AGREEMENTS *continued,*

to demise when not by deed, landlord may bring action
on the case for use and occupation, II. 157

See ARTICLE. COMBINATION.

AID,

pur file marrier and *pur faire fitz chevalier*, abolished, I
443, 4

to deraign warranty paramount, *Ad.* I. 42

of the king prayed in defence of title, *Ad.* I. 423

AIDING AND ASSISTING. See ACCESSARIES.**AIEL** See ASSIZE.**ALDERMEN** See CORPORATION.**ALEHOUSE-KEEPERS,**

restrained from permitting tippling at unseasonable times,
&c. II. 458, &c.

ALIENS,

duty or petty custom, I. 194

children born out of ligeance of the crown of England,
&c. deemed natural born, if their fathers were natural
born subjects at the time, and not attainted, &c. ; and
the children of such children also : but such persons
to claim estates, &c. within 5 years, I. 304, 5

though naturalized, &c. not to be privy counsellors, mem-
bers of parliament, or hold offices or take lands, I. 143.
153. 305, 6

how naturalized in England and Ireland respectively, I.
306, &c.

naturalized in Ireland may take lands by purchase or de-
scent, I. 309

foreign seamen serving during war, &c. naturalized, I.
309

persons residing in American colonies, &c. or serving in
royal regiments there naturalized, I. 309, 310

excepted out of the act of uniformity, I. 325

to be admitted freemen in corporations, I. 424, &c.

may be adjudged bankrupts, I. 615

an inquest *de medietate lingue*, where alien a party, II.
257

what interest they have in mortgages, *Ad.* I. 41

See ESCHEAT, MORTGAGES, &c.

ALIENATION

of glebes restrained, I. 346, 530

by tenant in tail, I. 446

in mortmain, I. 507

to hold of chief lord, I. 513

by deed, I. 515, &c.

by matter of record, I. 564, &c.

by special custom, I. 578, &c.

by devise, I. 581. &c.

See ASSETS, ASSIGNMENTS, CHARITIES, CONVEYANCES,
LEASES, &c.

ALLEGIANCE,

form of this oath, I. 289, 298, 300.

ALLEGIANCE, continued.

by whom taken, and when and where, I. 291, &c. *Ad.* II. 371
 penalty for not taking, I. 292, &c. II. 561, &c.
 withdrawing subject from, treason, II. 481, &c.

ALTO OR BASSO RELIEVO. See **COPYRIGHT.****AMBASSADORS OR FOREIGN MINISTERS,**

penalty for suing, process against them or their domestics,
 II. 212. 464.

AMENDMENT,

of defects not specially demurred to, except in criminal
 cases, or actions, &c. upon penal statutes, II. 227, 8
 of misprisions of clerks, II. 280.

what errors amendable after verdict, II. 281, &c.

statutes of extended to inferior courts, II. 289

See **ERROR.**

AMENDS,

for murder, &c. of friend or kinsman prohibited to be
 taken, II. 1189

See **DISTRESS.** **TRESPASS.**

AMERCEMENTS,

to be reasonable and just ; and how assessed, II. 1241
Ad. I. 78

AMMUNITION See **KING'S STORES.****ANCESTORS—ANCESTREL.** See **ASSIZE.****ANGLING.** See **FISH-****QUEEN ANNE'S BOUNTY,**

corporation of governors established for the augmenta-
 tion of the maintenance of the poor clergy, I. 168, &c.

ANNIVERSARIES,

which kept holy in England and Ireland, II. 449. 457-8

ANNUITIES OR RENTCHARGES,

granted for lives, &c. to be inrolled in chancery, and how,
Ad. II. 207, &c.

copies of such deeds to be furnished to grantors after 21
 days' notice, *Ad.* II. 209

for what fraudulent practices court will order deeds to be
 cancelled, *Ad.* II. 210

procuring infants to swear, &c. to confirm grants, how
 punished, *Ad.* II. 211

brokerage fees thereon limited, *Ad.* II. 211

ANONYMOUS PARTNERSHIPS,

duration of, and amount of stock limited, I. 556

subscribers to appoint acting partners and name of firm,
 I. 556

anonymous partners to pay their subscription, how and
 under what penalty : I. 557-9

how registered, I. 558

bankers or discounters not within this act, I. 558

accounts closed once a year, and half profits drawn out,
 I. 558-9

anonymous partners how far liable to bankruptcy, &c.,
 I. 559

effect of death or bankruptcy of partners, I. 559-560

dissolution of to be advertized and registered, I. 560

ANONYMOUS PARTNERSHIPS, continued.

share of partner not to be sold without consent, &c. I. 560

debts due by and to, how sued for, I. 561

assignees of acting partner not to be joined in suits by other partners against their consent, without indemnity, I. 561

contracts between anonymous and acting partners, when valid, I. 561-2

anonymous partner evading this act liable to bankruptcy, I. 562

default of acting partners how punished, I. 563

anonymous partners need not set forth their names in promissory notes, invoices, &c. I. 613

ANSWERS. See EQUITY.**APOSTACY,**

denying truth of christian religion or holy scriptures how punished, II. 372-3. *Ad.* II. 328. 334.

persons renouncing such opinions in 4 months after first conviction, discharged, &c. II. 373

APPAREL,

of Irishmen to be like that of English, II. 792

APPEAL,

courts of, II. 39 to 42. 51 to 53

proceedings in nature of, II. 276 to 291

of felony, when and where brought and tried, &c. II. 1187, &c.

brought by women for death of husband only, II. 1187

not tried against accessories till principal attainted, II. 1187

appellor bringing a false appeal, how punished, II. 1188

of rape by whom sued: disabilities, &c. of ravisher and ravished, II. 1188

of murder brought within what time, by whom, and in what court, II. 1189

of murder and manslaughter, in what county brought, I. 1167. 1170

of murder or felony tried by jurors returned according to the common law, &c. II. 1205

persons standing mute on arraignment in appeal of felony, &c. convicted, &c. II. 1197

of felony and murder excepted out of statutes of amendment, II. 227. 285

APPEALS. See ADMIRALTY. ECCLESIASTICAL COURTS, COMMISSIONERS, &c.**APPEARANCE. See EQUITY. PRISONERS. PROCESS.****APPORTIONMENT,**

of expenses of building glebe houses, I. 333, &c.

of rent where landlord (being tenant for life) dies before gale day, I. 458

rent also apportioned in Ireland where tenant's life estate drops before gale day, I. 459

APPRAISEMENT. See DISTRESS.**APPREHENDING FELONS, &c. See ESCAPE, FRESH SUIT, REWARDS, &c.**

APPRENTICES,

powers of justice of peace in respect to punishing masters or apprentices for misusage or misconduct, I. 395, &c.
the old law in respect to length of servitude, qualifications of persons taking or becoming apprentices, &c. repealed, *Ad. II.* 172

absconding or enlisting, how punished, I. 397, 9. *Ad. I.* 31
regulations for preserving their health and morals in cotton and woollen factories, I. 397

parish apprentices bound to sea service, or chimney sweepers, I. 394--5

indentures of parish apprentices how executed, *Ad. I.* 30

parish apprentice shall not be bound until indentures specially allowed by 2 justices of peace of county into which he is bound, as well as of that from which he is removed, *Ad. II.* 173, &c.

not to be bound at a greater distance than 40 miles from parish, *Ad. II.* 174

shall not be bound under 9 years of age, *Ad. II.* 175

penalty for master abandoning or removing apprentices without notice to church wardens, &c. *Ad. II.* 175

consent of justices necessary for assigning or discharging apprentices, *Ad. II.* 176--7

in Ireland, incorporated society empowered to take up poor children, and send them to charter schools, and bind them to protestant tradesmen, &c. I. 400

penalty for seducing children from such schools, I. 401

See ATTORNIES. CHILDREN. NOTARIES, &c.

APPROPRIATION. See ECCLESIASTICAL PERSONS.

APPROVEMENT. See COMMONS.

APPROVER

felony for gaoler to compel prisoner to become an approver, II. 581

process awarded to bring persons appealed by approvers to be tried in the place where approvers are imprisoned, II. 1197

penalty for procuring pardon for approvers that afterwards commit felony, II. 1198

AQUEDUCT. See MISCHIEF.

ARBITRATION,

submission how made a rule of court, and performance of award enforced, II. 12

award to be complained of before last day of next term, II. 12

ARCHBISHOP. See BISHOP, ECCLESIASTICAL COURTS, ECCLESIASTICAL PERSONS.

ARMED AND DISGUISED. See ASSEMBLIES. GAME. MISCHIEF.

ARMOUR. See KING'S STORES, &c.

ARMS,

right of carrying an article of the bill of rights, I. 11

papists, &c. prohibited from having any except necessary ones, II. 413, 559

papists, &c. prohibited from having arms, &c. or from

ARMS, *continued.*

- being apprentices to makers of them, or being employed as fowlers, II. 569 to 575
- the restraints on papists, &c. carrying arms, relaxed as to those having certain freehold estates or personal property, II. 575--6
- magistrates may search for them under whiteboy act, II. 633
- persons entitled to keep arms to register them at sessions and how, *Ad.* I. 97. *Ad.* II. 388
- licenses to keep them how obtained, *Ad.* I. 98
- penalty on persons having arms not being registered, *Ad.* I. 99
- parties licensed to notify change of residence, and to deliver to justices inventory of arms as often as required, *Ad.* I. 99
- justices may withdraw licenses; penalty for not delivering up arms, *Ad.* I. 100
- justices, &c. may enter houses on suspicion of having arms unregistered, but warrant of lord lieutenant, &c. to be first obtained, *Ad.* I. 100--1
- blacksmiths and their forges to be registered and licensed, license withdrawn if any pikes or pike-heads made, *Ad.* I. 101
- persons making pikes, &c. without license, transported; penalty for having such weapons, *Ad.* I. 101
- justices may on receiving information on oath, enter houses and search for pikes, &c. *Ad.* I. 102
- coming to parliament or to king's courts with, prohibited, &c. II. 656
- riding or going with certain armour prohibited, &c. II. 658
- keeping ordnance, &c. without license prohibited, &c. II. 659
- secret offensive weapons seized, and offender fined, II. 909
- coats of, on watches or family plate, not to be defaced, &c. II. 596

See ASSEMBLIES.

ARMY

- king's prerogative in respect to, I. 157
- number and establishment of, I. 377
- articles of war for government of, I. 377--385
- courts martial, how constituted, &c. and what crimes cognizable by them, I. 377--8. *Ad.* II. 165
- billeting restrained and regulated, I. 379. *Ad.* I. 27
- persons hastily enlisting relieved, I. 380: *Ad.* I. 27
- recruits making false representations how punished, *Ad.* II. 166
- deserters may be sentenced to transportation, instead of corporal or capital punishment, *Ad.* II. 163
- his majesty may substitute transportation for capital punishment: sentence or order of transportation to be notified to judges, *Ad.* II. 164--5

ARMY, continued

soldiers sentenced by courts martial where imprisoned,
Ad. II. 165

See **ARREST, &c.**

ARRAIGNMENT

its incidents, II. 1196, &c.

persons standing mute, or challenging peremptorily above
20 persons, or being outlawed, sentenced as if convicted
by verdict or confession, II. 1197. 1204-5

See **INDICTMENT, JURY, LUNATICS, TREASON.**

ARREST OF DEBTORS

priests or clerks during divine service privileged from,
II. 207

clergy attending convocation also privileged, II. 207

on the Lord's day, void, &c. II. 214

soldiers how far privileged from, *Ad.* II. 167

See **BAIL, BANKRUPT, PRIVILEGE, PROCESS.**

ARREST OF JUDGMENT

after verdict, for formal errors, restrained, II. 280, &c.

ARREST OF PRISONERS. See **ESCAPE, HUE AND CRY,**
REWARDS.

ARSON. See **BURNING.**

ARTICLE IN WRITING. See **EJECTMENT, REFLEVIN.**

ARTICLES OF RELIGION

to be publicly read in church by beneficed clergyman, I.
323, &c.

penalty for impugning them, II. 379, &c.

assent thereto declared, II. 381-2-4

declaration of protestant dissenting ministers substituted
for subscription to 39 articles, II. 392

ARTICLES OF WAR. See **ARMY.**

ARTIFICERS OR MANUFACTURERS

to be paid their wages in money only, II. 718. 720

seducing, &c. such persons to go to foreign country, II.
732, &c.

penalty for such persons not returning after warning from
ambassador, &c. II. 733

See **APPRENTICES, COMBINATION, EMBEZZLEMENT,**
WAGES.

ARTILLERY. See **ARMS.**

ASS. See **LARCENY, MISCHIEF.**

ASSAULT

of a privy counsellor, when in execution of his office, a
capital felony, II. 508-9

on account of money won by gaming, how punished, II.
660

by servant, workman or labourer, or journeyman, on mas-
ter, &c. how punished, II. 918. *Ad.* I. 116

with weapon, with intent to rob, a felony, II. 1002

civil bill brought for, and decree, &c. thereon, *Ad.* II.
226, &c.

upon conviction for assaults, costs awarded, &c.: grand
juries may present costs of such prosecutions, *Ad.* II.
227

See **AFFRAY, COMBINATION, COSTS, LIMITATION.**

ASSAULT. See AMENDS.

ASSAY. See COIN.

ASSEMBLIES RIOTOUS

sheriffs and justices of peace to suppress them, &c. II. 614, &c.

rioters how tried and punished by ancient law, II. 614-5-6

justices of peace, &c. and their assistants, indemnified for killing, &c. persons, in dispersing such assemblies, II. 617, 9

justices may raise *posse comitatus* as well as sheriffs, II. 617

not dispersing within an hour after proclamation, or hindering such proclamation, a capital felony, II. 618, &c.

demolishing church, &c. or dwelling house, &c. a capital felony, and damages thereof how recovered, II. 618, &c.

setting fire to, or fastening up church, &c. or obstructing, &c. clergyman from officiating, a capital felony, II. 621

printing, writing, &c. notices to excite riot, &c. a capital felony, II. 622

seizing arms, &c. or exacting money, or supplying arms, &c. to rioters, a capital felony, II. 622

assembling armed or disguised, &c. by day or night, how punished under whiteboy act, II. 629

shooting at or maiming. &c. any person, or sending threatening letters, or compelling any person to quit his farm, &c. a capital felony, II. 629

after sunset, and before sunrise, or 6 in the forenoon, to injure habitation, &c. or break into house, &c. or forcibly take away horse, &c. or money, &c. a capital felony, and damages recovered, II. 629. 631

such offences between sunrise and sunset, how punished, II. 630

exciting such meetings by signals, &c. how punished, II. 630

power, &c. of magistrates, &c. in respect to apprehending, &c. such offenders, binding prosecutors, &c. II. 630, &c. *Ad. I.* 104

demolishing, &c. mills, a capital felony : damages recovered, limitation for prosecutions, II. 618. 636

using violence to hinder the purchase or carriage of corn, a misdemeanor, how punished : persons committing such offence a 2nd time, or destroying granaries, or taking away or spoiling corn therein, or in ships, &c. transported, and satisfaction recovered, II. 637, 8, 9. 1015, &c.

demolishing, &c. any erection or engine employed in or for any trade or manufactory, a capital felony, and damages recovered, &c. *Ad. II.* 374, &c.

demolishing, &c. engines, &c. belonging to collieries,

ASSEMBLIES RIOTOUS, *continued.*

&c. a capital felony ; and damages recovered, *Ad.* II. 375, &c.

obstructing the loading or unloading, or sailing, &c. of any ship, &c. II, 1033

demolishing, &c. store-house, &c. where corn, &c. or potatoes are stored for exportation or sale : or taking or spoiling, or obstructing the carriage or shipping, &c. or free sale of such corn, &c. ; or destroying any weir, &c. of any mill, or demolishing, &c. any house, shop, &c. or destroying any machine, &c. used for any manufacture, or any goods ; or engine of colliery or mine, a capital felony, and damages recovered, II. 639, &c. 642, &c.

summary jurisdiction of magistrates in cases of riots at coast fisheries, II. 644

ASSEMBLIES UNLAWFUL

corresponding societies and Spencean clubs, &c. taking unlawful oaths, &c. or having secret committees, delegates, &c. suppressed, and persons guilty of such unlawful confederacies, or permitting such assemblies in their houses, &c. how punished, &c. II. 644, &c. *Ad.* II. 415, &c.

damages recovered for injuries done by such assemblies, *Ad.* II. 420.

assemblies, committees, &c. exercising right to represent any number, &c. of the people, under pretence of petitioning, to be dispersed, &c. and persons voting or acting at election of such delegates, &c. guilty of a misdemeanor, II. 654, &c.

summoning, &c. meetings for electing representatives otherwise than as in the act of union mentioned, or taking part in such election, how punished, *Ad.* I. 105

petitions to king or parliament shall not be signed, &c. by more than 20 persons, unless consented to by 3 justices, or major part of grand jury : and number presenting shall not exceed 10 persons, II. 655.

meetings within a mile of Westminster Hall to prepare petitions for alteration of matters in church or state, while parliament or courts are sitting, unlawful assemblies, *Ad.* II. 414.

meetings of more than 50 persons for deliberating on grievances in church and state, (except county meetings, &c. duly convened) unless notice be given in newspaper, signed by 7 freeholders, &c. unlawful assemblies, *Ad.* II. 404, &c.

and if 12 or more so assembled, remain for one hour after proclamation, &c. they shall be guilty of a capital felony, *Ad.* II. 407

if such notices propose an alteration of law without authority of parliament, or incite the people to contempt of the king, &c. such meetings dispersed ; or continu-

ASSEMBLIES UNLAWFUL. *continued.*

ing together to the number of 12 or more, a capital felony, *Ad.* II. 408

obstructing justices, &c. in making proclamation, or in apprehending offenders, or continuing together one hour after such obstruction, a capital felony, *Ad.* II. 410

for debates of a seditious or immoral nature, *Ad.* II. 411

See COMBINATIONS, CONVENTICLES, MISCHIEF.

ASSENT ROYAL. See STATUTES.**ASSENT AND CONSENT**

to book of common prayer required after induction, I. 324

ASSESSED TAXES

of Great Britain, and inland taxes of Ireland, I. 199. *Ad.*

I. 13. *Ad.* II. 39

ASSETS

heir or devisee aliening before action brought by specialty creditor, liable to value of lands descended or devised, I. 583-4

estates *pur autre vie* in the hands of heirs or executors, &c. I. 506

estates of traders in the hands of heirs or devisees administered in courts of equity, II. 337

ASSIGNMENT. See BAIL, JUDGMENTS, LEASES, STATUTES.**ASSIGNEES**

of reversions, their heirs, &c. shall have like remedies, by entry or action, against lessees, &c. as assignors, and *vice versa*, II. 113

of leases, their executors, &c. shall be liable to all covenants, as the lessees, &c. II. 114

ASSIGNING BREACHES. See PLEADING.**ASSISTANT BARRISTERS**

excluded from sitting in parliament, I. 62

to be of 6 years standing, &c. and to act as constant assistants at sessions of the peace, &c. where held for administration of civil or criminal justice, II. 64

to have the same powers of determining civil bills as the judges had, (penal actions excepted); and to be sole judges in such courts for hearing said causes, II. 64-5

not to act alone, (except in hearing civil bills) until after 12 o'clock at noon, II. 66

counties how divided for the purpose of the civil bill jurisdiction, II. 64 *Ad.* I. 62. *Ad.* II. 226

for what sums decrees obtained upon civil bills, and in what causes, II. 65. *Ad.* II. 226. 511

their jurisdiction as to absconding and over-holding tenants, and to decree possession where a year's rent is due, not amounting to £20. *Ad.* II. 244 to 252

civil bill court a court of record: perjury of witnesses, breaches of duty of sheriffs, &c. and contempts of parties, &c. how punished, II. 66-7

locality, &c. of proceedings upon civil bills, II. 67

appeals from civil bills to assizes, II. 68

ASSISTANT BARRISTERS, *continued.*

decrees how long in force, &c. and how executed, II. 68, 9
 sheriff liable for escape of defendant taken under decree,
 II. 69

See INSURRECTIONS.

ASSISTING. See ACCESSARIES.

ASSIZE, JUDGES OF

ancient jurisdiction of justices of assize and *nisi prius*, II.
 43, &c. *Ad. I.* 61

justices of K.B. or C.B. or chief baron, or king's serjeant,
 required to be one, II. 46

puisne barons of exchequer, attorney or solicitor gene-
 ral, or king's counsel, may be judges of assize, II. 47

old law which prohibited persons from being justices of
 assizes, or justices of *oyer* and *terminer*, &c. in their
 own countries, repealed, II. 47-8. *Ad. I.* 61

assizes to be held in chief towns; but chancellor and
 judges may otherwise order it, II. 48--9

justices to take an oath before commission delivered, II.
 51

no lord or other shall sit on the bench with the justices,
 II. 49

where counties at large, and counties of cities, &c. con-
 tiguous, judges' lodgings deemed to be in both, II. 49

where court houses of counties at large are contiguous
 to court houses of counties of cities, &c. the one may be
 used for the other, II. 49

county court house built within a county of a city, &c.
 deemed part of county at large, *Ad. II.* 223

commissions of, not determined by death of king, II. 1110
 to deliver gaols after taking assizes, II. 1111

ASSIZE WRIT

of *mort d'ancestor*, *cosinage*, *aiel* and *besael* and *novel dis-*
seisin, when and where they lie; and proceedings
 therein, II. 126, &c.

damages and costs recovered upon such writs, II. 129

for disseisin of ancestors assize to be brought within 50
 years, II. 130

no possessory action upon a person's own seisin after 30
 years in England, or 20 years in Ireland, II. 130

plaintiff in assize may abridge his plaint, *Ad. I.* 77

ASSURANCES OR INSURANCES.

made on ships or goods, interest or no interest, &c.
 in what cases legal, I. 600-1

re-assurances, in what cases admitted, I. 601

conditions for lending on bottomry upon ships bound to
 or from the East Indies, I. 601

proceeding in actions on policies of insurance, I. 601-2
 name of assurers, &c. to be inserted in such policies, I.

602

no insurance on life or other event, without interest, I. 602

no greater sum to be recovered than amount of interest,
 I. 602

ASSURANCES OR INSURANCES, *continued.*

names of persons interested to be inserted in policies, I. 602

See CONVEYANCES.

ATTACHMENT,

fraudulent, an act of bankruptcy, I. 615

against bankrupts' goods, without execution executed, gives no priority, I. 640

See BAIL. COSTS. PROCESS, &c.

ATTAINDER,

persons attainted of treason forfeit all lands which they had at the time of the treason committed, or at any time after, II. 1242

of treason by the common law shall be of like force as by act of parliament, II. 1242

the king shall have the goods of felons attainted, II. 1241-2
no man charged with felony to be dispossessed of his goods till after conviction, but goods scheduled, and security taken, II. 1243. *Ad.* I. 150

clerk of the crown to take notice of grants of felons' goods when inrolled, and not to issue process against grantees : but purchasers, devisees and heirs, to plead specially, *Ad.* 150-1

persons charged in the exchequer, by estreats, with felon's goods, II. 1244

of felony, save in treason, petit treason, or murder, shall only affect felon's life estate, *Ad.* II. 507

feoffments with intent to enter into rebellion, &c. and defeat the crown of forfeiture, void, *Ad.* I. 151

See INQUESTS.

ATTAINT,

writ of, where it lies ; and proceeding therein, II. 276, &c.
qualifications of jurors in, II. 277, &c.

forfeiture of jury attainted, and how levied, II. 278.

where sued, in what form : and judgment therein, II. 279
maintainable by him in reversion during life of tenant for life, as well as after his death, *Ad.* I. 79

ATTORNEY GENERAL,

may be judge of assize, &c. or commissioner of *oyer and terminer*, &c. II. 47

See KING'S DEBTS, &c.

ATTORNIES AND SOLICITORS,

practising not to be justices of peace, I. 247

excluded from practising in civil bill courts, while justices, I. 248

no under-sheriffs, &c. shall practise as, *Ad.* II. 45.

ancient statutes authorizing their appointment, II. 13-14
to serve an apprenticeship of five years : examined as to their capacity, and sworn to demean themselves honestly, &c. before admitted, II. 14, &c.

to be inrolled in the proper courts, II. 16

a sworn attorney how admitted a solicitor, and *vice versa*, II. 17

a solicitor of one court of equity may be admitted into any other, II. 17.

ATTORNIES AND SOLICITORS, *continued.*

- an attorney, &c. of one court may proceed in another, in the name of another attorney, but with his consent, II. 17
- an attorney of superior may practise in inferior, II. 17
- penalty for an attorney's admitting another, not an attorney, &c. to use his name, II. 18
- penalty for unqualified person acting as attorney or solicitor, in court of law or equity, or at sessions, or in county court, II. 19. 20
- no clerk of the peace or under sheriff, or their deputies, shall act as attorney, &c. in the king's courts, or at general or quarter sessions, II. 20. *Ad.* II. 45
- not to commence, &c. suits in law or equity while prisoners, II. 20
- practising after conviction of forgery, perjury, or larceny, transported, II. 21
- not to have more than 2 clerks bound at a time, II. 21
- prothonotaries, &c. may have 3 clerks, who may be admitted attornies, II. 21
- affidavit of execution of contracts, to be made and filed, II. 21
- no attorney, &c. shall retain a clerk after discontinuing business, II. 22
- part of clerk's term may be served with another attorney, &c. II. 22
- clerks to make affidavit of having served 5 years, II. 23
- sworn clerks in the office of the six-clerks, or those bound to them, may be admitted solicitors, II. 23
- no such sworn clerk to have more than 2 clerks, II. 23
- name of attorney, &c. shall be written on every writ, &c. II. 24
- in Ireland attornies and solicitors to serve 5 years' apprenticeship, II. 25
- what oaths shall be taken by them on admission, II. 25. 30-1
- unqualified persons acting, how punished, II. 26-7
- who to be deemed solicitors, II. 26, 7
- solicitors to be licensed and registered, &c. II. 26, 7
- examiners of their qualifications appointed, II. 27
- unqualified persons acting, and the attornies who suffer them to use their names, how punished, II. 28
- apprentices to register indentures, II. 29
- in case of death, &c. of master, residue of term served with another, II. 29
- affidavit required for apprentices, of servitude, &c. II. 29
- number of apprentices limited, except for certain officers, II. 30-1
- not to commence actions for fees, till a month after service or delivery of bill of costs, II. 31
- taxation of such bill of costs, II. 32
- exceptions of bills of fees due from one attorney, &c. to another, II. 33

ATTORNIES AND SOLICITORS, *continued.*

fees to counsel, &c. to be certified, II. 33

deceiving or beguiling court or party, how punished, II. 600

if guilty of champerty, how punished, II. 604

ATTORNMENT,

not necessary to create privity between grantee, &c. and tenant: but tenant not to be prejudiced by payment before notice of grant, I. 514.

to strangers claiming title, void, except pursuant to judgment, &c. I. 514-5

AUTHORS. See COPYRIGHT.

AVERMENT. See ERROR. PERJURY.

AVOWRY. See REPLEVIN.

AUGMENTATION. See CLERGY.

AUTER VIE

estates *pur auter vie* devisable by will attested by 3 witnesses; or if no devise then assets by descent in the hands of heir as special occupant; if no special occupant then assets in the hands of executors, &c. and surplus distributable, I. 506

AWARD. See ARBITRATION.

BADGE. See BEGGARS.

BADGERS. See REGRATORS.

BAIL

excessive, prohibited by bill of rights, I. 8

special when required upon process of superior or inferior court, II. 196. *Ad. I. 73*

where the cause of action shall not amount to such sums (respectively), as to require special bail, and the plaintiff proceeds by process against the person, such defendant served with a copy of process, II. 196. *Ad. I. 73*

affidavit to hold to special bail, how made and filed, II. 196. *Ad. I. 73*

if no such affidavit, then body not arrested, but process served: process to be in English, &c. and notice thereon in what form, II. 197

appearance thereto when, or common appearance in default thereof, II. 196, 7

special writs, &c. when only to issue, II. 197. *Ad. I. 74*

where proceedings are by original writ, &c. and summons or attachment thereon, against persons not having privilege of parliament, *distringas* not to issue in the first instance. *Ad. I. 74*

if personal service cannot be effected, court may allow *distringas* to issue, and common appearance to be entered, *Ad. I. 74-5*

in Ireland no person held to special bail where cause of action under £10. in superior courts, or under 40s. in inferior courts, II. 193, 9

BAIL, continued.

- affidavit to hold to special bail, how made and indorsed :
if not so made defendant served with a copy of process, II. 199
- notice annexed to process, in what form, how signed, II. 199
- affidavit by plaintiff or his attorney corroborating process server's affidavit, II. 199
- process to express cause of action, or defendant not to give security for appearance in penalty exceeding £40 II. 200
- here process cannot be personally served, other service substituted, II. 200
- in Ireland in inferior courts what bail required in debt, *detinue, trover*, trespass, or case, II. 201
- in action of slander what affidavits required for holding to bail, II. 202-3
- no person arrested, &c. for a cause of action not amounting to the sum for which he is liable to be arrested, &c. exclusive of costs, otherwise defendant entitled to costs, unless probable cause for so doing, II. 202
- persons arrested on mesne process may deposit with sheriff, &c. sum indorsed on writ, with £10. to answer costs, II. 206
- affidavit to hold to bail to deny tender of demand in bank of England or Ireland notes respectively, but party applying to be discharged for defect therein, must swear to tender in such notes, or partly in cash, II. 197, 200. *Ad.* II. 253
- persons arrested on mesne process, to be bailed giving reasonable surety to sheriff, and in what form, II. 203
- commissioners for taking, how appointed, II. 204
- taken in the country or town how justified, II. 204
- judges of assize may take bail without affidavit, &c. II. 204
- may be justified in vacation before a justice or baron, II. 205
- one of the judges of K. B. may sit apart for taking bail, *Ad.* II. 253
- sheriffs, &c. compellable to assign bail-bond and action brought thereon in plaintiff's name, II. 206
- court may give equitable relief in respect thereto, II. 206
- bail bonds in king's suits assignable to the king, II. 331
- assignment of bail bond to be stamped before action, *Ad.* II. 254
- extortion of sub-sheriffs upon taking bail restrained, *Ad.* I. 76
- in Ireland bail declared to be answerable only in the particular action, II. 206
- personating bail before commissioners, &c. a felony, II. 581
- for what crimes persons shall not be bailable, II. 1162

BAIL, continued,

what offenders may be bailed by a justice of peace, II. 1162

in what cases bail must be taken before 2 justices, II. 1163

penalty for bailing those not replevisable, II. 1163

penalty for corruptly refusing or accepting bail, II. 1163

See EXAMINATIONS, RECOGNIZANCES.

BAILIFF

of franchise required to take same oath as under-sheriffs, I. 222

of seneschal of manors to give security, II. 72

BAILLOTING. See JURIES, MILITIA.

BANKERS

their conveyances (except leases not exceeding 3 lives or 31 years) to be registered within what period after execution, I. 552

their grants, &c. of real estate or leasehold interest to children or grand children, while bankers, void against creditors, I. 552

their receipts after stopping payment no discharge, I. 553

after absconding, &c. their conveyances void, and their estates and effects subject to debts without regard to priority, except debts contracted before they became bankers, or those duly registered; and their persons only protected if members of parliament, I. 553

within 3 calendar months after stopping payment they may vest their estates, &c. in trustees to be approved by the majority of the creditors, or by the lord chancellor, I. 553-4

payments by trustees made with consent of creditors or chancellor, I. 553-4

such trustees controllable and removable by chancellor, I. 553-4

persons entrusted with public money not to be bankers, &c. I. 555

not to issue notes, &c. payable with interest, I. 555

their notes, &c. if not paid on demand liable to interest, I. 555

payment to be demanded within 3 years after they quit business, &c. I. 556

liable to be declared bankrupts, I. 615

the names of all the partners to be mentioned in their notes, &c. *Ad.* I. 43

not to trade as merchants singly, or in partnership with others, *Ad.* I. 43

when, upon stopping payment, they vest their estates, &c. in trustees, they shall be discharged from their debts upon obtaining a certificate signed by two thirds of their creditors, in number and value; such certificate of conformity to be verified by bankers, *Ad.* I. 44, &c.

BANKERS, continued.

chancellor may allow certificate though not signed as required by the act, *Ad. I. 45*

See ANONYMOUS PARTNERSHIPS, FORGERY, LARCENY.

BANK OF ENGLAND AND IRELAND

restrained from payments in cash, I. 614. *Ad. II. 253*

affidavit to hold to bail to deny tender in their notes, II. 197. 200. *Ad. II. 253*

persons receiving or paying their notes or bills for less than amount expressed therein, how punished, *Ad. I. 92. Ad. II. 513*

their notes a good tender in cases of distress for rent, executions, &c. and lodging money, &c. *Ad. I. 92. Ad. II. 514-5-6*

persons counterfeiting, &c. the dollars and tokens issued by these banks, or bringing them, &c. into the realm with intent to utter the same, transported, II. 496, 9. 500. *Ad. I. 89. Ad. II. 336. 353*

persons uttering such false dollars, &c. how punished, and former convictions how certified, II. 497. 9. 500. *Ad. I. 90. Ad. II. 337, 8. 354*

persons having more than one such counterfeit dollar, &c. in England (or more than 5 in Ireland) without lawful excuse, how punished; and houses of suspected persons how searched, &c. II. 497-9. 500. *Ad. I. 90. Ad. II. 337, 8. 354*

in England persons uttering, &c. counterfeit tokens, &c. a second time within 10 days, or having more than one in their possession, how punished, &c. *Ad. II. 337-8*

in Ireland bank tokens taken in payment of the revenue, II. 500-1. *Ad. II. 354*

issue and circulation of bank dollars and tokens when to cease, *Ad. II. 343*

BANKRUPT

who may become, and by what acts, I. 615

farmers, graziers or drovers, &c. not entitled to be, as such, I. 616

in England traders having privilege of parliament deemed bankrupts, if money due not paid, &c. in 2 months after personal service of summons; and their persons only privileged if act of bankruptcy committed, I. 616-7

privileged trader to appear to process in 2 months, or deemed bankrupt, &c. I. 617-8

privileged trader deemed bankrupt in default of payment of money within 8 days after service of order of chancery or exchequer, I. 618

analogous law in Ireland as to privileged traders, I. 619

commoners declared bankrupt, incapable of sitting or voting for 12 months, unless commission superseded or debts satisfied, *Ad. II. 212*

if commission not superseded, &c. within 12 months, seat of member vacated, *Ad. II. 212-3*

amount of petitioning creditor's debt; affidavit, &c. ve-

BANKRUPT, *continued*,

- rifing, and bond to the chancellor conditioned for proving debt and bankruptcy, I. 620
- debt of petitioning creditors residing abroad how verified, I. 621
- security payable *in futuro* may ground petition, I. 620
- petitioning creditor receiving a partial payment forfeits his whole debt, and new commission granted, I. 620
- commissioners how appointed: their power over his body and estate; their oath, I. 622. 638, &c.
- assignees how chosen; who to vote in choice of assignees, I. 623
- provisional assignees appointed, and removable at first meeting, I. 623
- new assignment ordered by chancellor supersedes the appointment of assignees by commissioners or creditors, I. 624
- to surrender to commissioners in 42 days after notice, &c.: not surrendering and discovering property, &c. felony without benefit of clergy, I. 624-8
- time for surrendering appointed and enlarged, I. 625
- to deliver up books and assist in making out accounts, I. 625
- privileged from arrest in coming to surrender, and during examination, I. 626
- upon certificate of commissioners of proof of bankruptcy, judge or justice of peace may grant a warrant for apprehending him, &c. I. 626
- if bankrupt is in prison under execution, or cannot be brought before commissioners, the commissioners, &c. shall attend him to prepare his discovery, I. 627
- brought up before commissioners for final examination, though in prison under execution, *Ad. I.* 48
- commissioners may compel bankrupt and his wife, or other persons, to appear before them to be examined touching estate of bankrupt, I. 628, 9. 630
- commissioners may examine bankrupt *viva voce*, or upon interrogatories in writing, I. 631
- examination of bankrupt or other persons to be reduced to writing, and subscribed by such bankrupt, &c. I. 631
- party refusing to answer fully, or subscribe his examination, committed to prison by commissioners; such committal to specify particular questions, &c. I. 631
- penalty on gaoler for permitting bankrupt, &c. so committed to escape; or for not producing such person to any creditor who shall produce commissioners' certificate of his having proved his debt, I. 632
- reward for discovering property concealed by bankrupt, I. 632
- penalty for trustees', &c. not discovering in 42 days after commission, I. 632
- commissioners may break open houses, &c. of bankrupt, and seize his body, goods, &c. I. 633.

BANKRUPT *continued,*

allowance to bankrupt out of estate, as reward of conformity, I. 633, 4

certificate of conformity evidence of trading, &c. and a bar to the recovery of debts due before bankruptcy, unless obtained unfairly, &c. I. 633, 4

certificate, in what form ; three-fifths of creditors in number and value, their debts not being less than £20. to sign it ; signatures thereto how verified : certificate allowed by chancellor, or judges to whom chancellor shall refer it : no commissioner to sign until the proper number of creditors' signatures thereto, I. 634, 5.

Ad. I. 49

creditor in foreign parts may sign certificate by attorney, I. 635

securities to induce the signing of certificate, void, I. 635

certificate signed by a fictitious creditor, void, I. 635

certificate discharges from subsequent execution, &c. upon judgments prior thereto, I. 635

no benefit of act to bankrupt who shall have given above £100. upon child's marriage, (unless proof of his having at the time sufficient to pay his debts) ; or who shall have suffered certain losses by gaming or by stockjobbing contracts, I. 636

in Ireland bankrupt debarred from certificate by not keeping regular books ; but chancellor may, upon petition, allow it, I. 636

where commission issues against person discharged by certificate or by insolvent act, or who compounded with his creditors, body only free ; but future estate liable, (tools, &c. excepted) unless the estate pays in England, clear 15s. in the pound ; but in Ireland the future estate liable, unless there be sufficient fully to satisfy all the creditors, I. 637

certificate does not discharge co-partners or co-obligors, I. 637

notwithstanding certificate, bankrupt compellable to attend, upon notice from assignees, in order to settle accounts, &c. I. 637

the commissioners empowered, &c. to sell, by deed indented and inrolled, his estate and effects, for satisfaction of creditors, I. 638

vendees of copyhold lands to settle with lords of manors for fines, I. 638

X estates tail conveyed (no reversion, &c. being in the king) by deed indented, &c. I. 638

commissioners to redeem and sell his mortgaged premises, I. 639

X property acquired, &c. after bankruptcy, vested in commissioners, I. 639

where his interest under lease or agreement is accepted by assignees, he shall be no longer liable for rent,

BANKRUPT *continued,*

- &c. : proceeding to compel assignees to elect whether they will accept or not, *Ad. I. 48*
- goods (by consent of owner) in possession and disposition of bankrupt, sold, *I. 640*
- in Ireland, goods in his custody by consignment or factorage excepted, *I. 640*
- creditors by judgment, &c. to be paid only rateably, unless execution executed before bankruptcy, *I. 640*
- in Ireland judgments obtained by default, confession, or *nil dicit*, after bankrupt becomes a trader, to be paid rateably with other debts, *I. 640*
- executions and attachments executed, &c. 2 months before commission without notice of prior act of bankruptcy or insolvency, valid : but commission, though superseded, notice, if act of bankruptcy actually committed, *Ad. I. 49*
- fraudulent extents in the name of the king set aside by commissioners, *I. 640*
- conveyances, unless on child's marriage, or for valuable consideration, void : but purchases not impeached, unless commission within 5 years after the bankruptcy, *I. 641*
- debts due to bankrupt sold, and purchasers to have all remedies, *I. 641*
- persons paying debts, or delivering goods to bankrupts, without knowledge of bankruptcy, protected ; but such persons affected by notice to those acting on their behalf in such payments, &c. *I. 641. Ad. II. 213, 4*
- creditors receiving price of goods sold, or amount of bill of exchange, without notice of bankruptcy or insolvency, also protected, *I. 642*
- all transactions by and with bankrupt 2 calendar months before date of commission, without notice of bankruptcy or insolvency, valid, *I. 642*
- the issuing of a commission constructive notice, if act of bankruptcy actually committed at the time of issuing it, *I. 642. Ad. I. 49*
- debts payable *in futuro*, paid with a rebate of interest, *I. 643. Ad. I. 52**
- bottomry or *respondentia* bonds, and policies of insurance, may be claimed as debts, and dividend thereon, though loss and contingency happen after issuing of the commission, *I. 643. Ad. I. 51*
- persons effecting policies of insurance may prove on behalf of those beneficially interested, if out of the kingdom, *Ad. I. 50*,
- annuity creditors may prove for the value of annuity, *Ad. I. 50*
- mutual debts set off by commissioners or assignees, *I. 643.*
- debts contracted after act of bankruptcy, but before com-

* It was omitted to observe (*I. 643.*) that the rebate of interest by the 11 & 12 Geo. 3, c. 8. Ir. was £6 per cent.

BANKRUPT *continued*

- mission, proveable, if without notice of such act of bankruptcy, I. 643
- debts contracted by bankrupt 2 calendar months before suing forth of commission, and without notice of bankruptcy, may be set off, I. 644
- sureties or persons liable to debts of bankrupt, may prove in respect of payments as sureties, &c. though made after issuing of commission, and though such persons became sureties, &c. after act of bankruptcy, provided such persons had not notice of act of bankruptcy, when they became sureties, &c. *Ad.* I. 50
- if original creditor has proved, surety may stand in his place as to dividends, *Ad.* I. 50
- in Ireland, creditors proving debts due by account must produce a copy signed by themselves, and swear to the truth thereof: where debts not above £20. copy of assignment, inrolled, evidence of commission and bankruptcy, I. 645, 6
- persons proving false debts liable to pains of perjury, and forfeit double, I. 644
- overplus of forfeitures after paying creditors, how distributed, I. 645
- assignees, with consent of major part in value of creditors who have proved their debts, may refer matters to arbitration, compound debts, and commence suits in equity, I. 645
- proving debt under commission deemed an election not to proceed by action: but creditor so relinquishing action not to pay costs: nor shall his action against a co-defendant be thereby relinquished. *Ad.* I. 52
- in Ireland, debtor liable to interest, if debt not paid within 3 months after issuing commission, and demand by assignees, I. 645
- commissioners to order a first dividend after 4 months, and within 12 months, after issuing of commission, giving 21 days' notice, I. 646
- assignees' accounts investigated, &c. at such meeting, to pay forthwith after order, and take receipts in a book I. 646
- no dividend declared till assignees account on oath, *Ad.* I. 52
- second dividend within 18 months, &c.: such dividend final, unless suit depending, estate outstanding, or major part of creditors do not agree thereto, I. 647
- any future estate divided within 2 months after converted into money, I. 647
- remedy for dividend against assignee to be by petition to chancellor, *Ad.* I. 53
- creditors if not paid under commission, may sue bankrupt for balance, (unless barred by certificate,) I. 647
- commissioners upon request to shew to bankrupts the dis-

BANKRUPT *continued*

position made of their estate, and hand over balance, &c. I. 648

assignees to keep regular books of account open for inspection, I. 648

creditors before choice of assignees to direct where bankrupt's monies shall be deposited; or commissioners shall give such direction; provided they shall not be deposited with a commissioner, or solicitor of the commission, or in any bank, &c. in which they are concerned, &c. I. 648. *Ad. I. 53*

if assignees do not so deposit the monies received, they shall be charged £20. *per cent.* interest on money retained. *Ad. I. 54*

in Ireland, if assignees shall not pay dividend as ordered by commissioners, [* or shall not lodge money as directed] within 21 days, they shall be charged £10. *per cent.* to be retained out of dividend, or recovered by civil bill, I. 648

if any assignee becomes bankrupt, having £100. of bankrupt's estate wilfully retained, his certificate shall not discharge his future estate, *Ad. I. 54*

commissioners may invest bankrupt's money in exchequer bills, *Ad. I. 55*

agent or clerk, or person taking out commission, to be under control of commissioners, and take a certain oath, I. 649

messenger also to take a certain oath, and shall not act as agent to commission, I. 650

fees, &c. of solicitors, &c. employed under commission taxed by master of chancery, I. 651

no schedule of personal estate annexed to deed of assignment; and expenses of eating and drinking restrained, I. 652

in Ireland chancellor may settle fees upon issuing commission, and other proceedings, I. 652

expenses of suing forth commission ordered at meeting for the choice of assignees, I. 652

creditors may prove without paying any contribution, I. 652

fees, &c. of commissioners limited, I. 652

half fees paid for granting renewed commission, I. 654

pleading and costs in actions against persons acting under bankrupt law, I. 652

proceedings under commission recorded, and where, and copies when evidence, I. 650

commission and proceedings thereon evidence of petitioning creditor's debt, trading and bankruptcy, unless notice requiring proof thereof, which shall be at the peril of costs, *Ad. I. 55, 6*

* It is doubted whether this clause is not superseded or virtually repealed by the clause of Sir S. Romilly's act in preceding paragraph of this index.

BANKRUPT, continued.

proceedings under commission, not abated by death of bankrupt, or of the king, I. 653

commission valid though petitioning creditor's debt contracted after bankruptcy, if no notice of such prior act of bankruptcy when debt contracted, I. 653

bankrupt statutes to be liberally construed for creditors, I. 653

See EQUITY. MASTER OF THE ROLLS.

BANKS. See MISCHIEF.

BANNS. See MARRIAGE. FORGERY. LARCENY. REGISTER.

BAPTISM. See FORGERY, REGISTRY.

BAPTISTS. See DISSENTERS.

BARGAIN. See AGREEMENT.

BARGAIN AND SALE,

of freehold lands to be by deed indented, &c. and to be inrolled within 6 months, &c. such inrolment how to be and where, II. 539

where such deed is pleaded with a *profert* copy of inrolment evidence, the recital of the bargain and sale in deeds of lease and release, evidence of such bargain and sale, &c.; and in pleading deeds of lease and release, *profert* of release sufficient, I. 540

BARK. See LARCENY.

BARN. See MISCHIEF, RIOT.

BARON AND FEME. See DOWER, HUSBAND, LEASES, &c.

BARONS OF EXCHEQUER. See ASSIZE, EXCHEQUER.

BARONY CLERKS. See COUNTY COURT.

BARREN LAND. See TITHE.

BARRETRY,

arresting, &c. to answer in court holding plea of personal actions in the name, &c. of an unknown person, or without the consent of the person at whose suit such arrest shall be, II. 598

sheriffs, &c. issuing warrants without authority of writs, II. 599

serjeant, pleader, or other deceiving the court, II. 600.

See CHAMPERTY, MAINTENANCE.

BARRISTERS,

what oaths, &c. they shall take, &c. before practising, II. 25. 30.

attendance at the inns of court in England, and king's inns, Dublin, required previous to being admitted in Ireland, II. 33

deceiving court or party, how punished, II. 600

BASTARDS,

powers of justices of peace to compel the mothers or putative fathers to relieve parishes from their sustentation, I. 415

reputed fathers liable to the expenses of the birth of such children, and the costs of their own apprehension, and of the order of filiation, *Ad.* I. 32

where single woman shall, upon oath, declare herself with

BANKRUPT *continued,*

child, and that such child is likely to be a bastard, and chargeable, &c. powers of justices for apprehending and committing the persons charged, *Ad. I. 32*
 reputed father or mother disobeying any order of filiation or maintenance, how punished, *Ad. I. 33, 4*
 mothers of bastards, how punished, *Ad. I. 88*
 the settlement of the mother deemed the settlement of the child, *I. 417. Ad. I. 35*
 trials of women for murdering them to be as in other cases of murder; but though acquitted of the murder, if found guilty of concealing the birth by secret burying, &c. how punished, *II. 903, 4*

BASTARDY,

trial of question by certificate of bishop, *II. 231*
 proclamations made in chancery before writ awarded to bishop, *Ad. I. 152*

BATTERY. See **ASSAULT:****BEANS.** See **LARCENY.****BEAUPLEADER,**

finer for, abolished, *II. 269. Ad. I. 78*

BEGGARS. See **FOUNDINGS.** **POOR.** **VAGRANTS.****BENEFICE.** See **ECCLESIASTICAL PERSONS.** **PRÆMUNIRE** &c.**BENEFIT OF CLERGY,**

extended to laymen, and canonical purgation abolished, *II. 1215, 6*

those admitted to it once shall not have it a second time, *II. 1215, 6*

persons praying it burned in the hand in open court; and may be imprisoned for a year, *II. 1215, 6*

lords or peers of the realm in what cases admitted to benefit of clergy: and not to be burned in the hand the first time, *II. 1215*

women convicted of clergyable felonies punished as men; and shall not have the benefit of the statute a second time, *II. 1217*

allowance of, no bar to prosecution for any other felony, *II. 1218*

clerks of the crown, &c. shall certify unto king's bench a transcript of indictment, &c. containing names, &c. of parties attainted, &c. *II. 1218*

clerk of the crown, &c. of county where person has been convicted of a clergyable felony, shall certify conviction, &c. to county where such person is to be subsequently tried for another felony, *II. 1219*

court may order offender liable to transportation to be transported to America, or elsewhere beyond the seas, *II. 1221-1230*

persons liable to be transported may be transferred to any person, &c. contracting for such transportation, either by the court before which they shall be convicted, or any subsequent court, *Ad. II. 492*

order of transfer may be made by a single judge where

BENEFIT OF CLERGY, *continued.*

conditional pardon signified by a secretary of state, *Ad.* II. 493

persons undertaking to transport offenders to give security, *Ad.* II. 494

such securities how taken, &c. *Ad.* II. 494-5

when offenders are transported in king's ships, security may be dispensed with, II. 1226

persons contracting may take offenders through any county, &c. to seaport: expenses how defrayed: and rescuing them, &c. a capital felony, *Ad.* II. 495

a capital felony for person ordered or agreeing to be transported to be at large within the kingdom before expiration of his term, and how and where tried: and prosecutors how rewarded, II. 1225. *Ad.* II. 496

the king may dispense with transportation, or allow offenders to return, II. 1225. *Ad.* II. 496

judges may alter, if necessary, the place mentioned in sentence, II. 1225. *Ad.* II. 496

judges may order convicts to be imprisoned and kept to hard labour till transported, II. 1227

the king, or 3 justices of peace authorized by him, may assign places for their imprisonment, &c. until transportation, *Ad.* II. 497

duty of superintendant of such places of imprisonment, *Ad.* II. 498, &c.

punishment of escape or rescue, &c. from such places, *Ad.* II. 500

clerks of the crown, &c. in Ireland to certify to lord lieutenant names, &c. of persons under rule of transportation; who may issue his warrants to sheriffs to transmit them for transportation; and cause ships to be engaged for the purpose, II. 1229

expenses of transmitting such convicts how defrayed, *Ad.* II. 502

lord lieutenant may order felons and vagabonds under rule of transportation to be transported to any place beyond the seas; and transfer them to persons who shall have a property in their service for the term, II. 1230-1

persons under rule of transportation breaking gaol, &c. guilty capitally and where and how tried; harbouring such offenders a capital felony, II. 1231

persons convicted of capital felonies who shall be transported, and afterwards return without license, shall suffer death, &c. II. 1232

persons transported or exiled for rebellion in 1798 returning, how punished, II. 1232

masters of ships fraudulently violating contracts for transporting felons or vagabonds guilty capitally; where tried, II. 1233

court may substitute fine or whipping for burning in the hand; or order offender to be detained in gaol for any

BENEFIT OF CLERGY, continued.

time not exceeding a year, or 2 years in house of correction, II. 1233

in Ireland felons though recommended by grand juries, shall be either burned in the hand or transported, II. 1234

court may sentence person convicted of clergyable felony, or of larceny, either to imprisonment to hard labour alone, or in addition to other lawful sentence, *Ad.* II. 503

penitentiary established as a substitute for transportation, II. 1234. *Ad.* II. 503

persons confined in Milbank penitentiary who shall break prison, &c. and persons rescuing, &c. or aiding in escape from such penitentiary, how punished, &c. *Ad.* II. 503, 4

keepers of penitentiary voluntarily or negligently permitting escape, how punished, *Ad.* II. 503, 4

court may order offenders liable to transportation to be sent to houses of correction or penitentiary houses for 7 years; or to be whipped or imprisoned for less than a year; penalty for escape or rescue, II. 1237. *Ad.* I. 149

lord lieutenant may, upon recommendation of court, shorten time or alter place of their imprisonment, II. 1237. *Ad.* I. 149

in Ireland lord lieutenant may appoint penitentiary houses for reception of persons under rule of transportation, either for the whole or part of term; persons escaping from such penitentiaries, or assisting therein, &c. how punished, II. 1239

See LARCENY, &c.

BENEVOLENCES

impositions so called abolished, *Ad.* I. 2

BESAIEL. See ASSIZE writ of

BETTING. See GAMING.

BIGAMY

persons marrying a second husband or wife, the former living, punishable as if convicted of grand or petit larceny; and if found at large, after being ordered for transportation, before term expired, guilty capitally; and such offence tried where party apprehended, II. 752

proviso as to 7 years' absence, divorce, marriage void by sentence, or within age of consent, II. 752

in Ireland persons convicted of bigamy transported for 14 years, II. 753

BILL OF COSTS. See ATTORNIES.

BILL OF DISCOVERY. See CATHOLICS. *Quare impedit.*

BILL OF EXCEPTIONS

to be sealed by one of the justices when tendered, II. 263

in Ireland sealing not necessary, and bill signed by the

BILL OF EXCEPTIONS, continued.

judge incorporated in *postea*, and examinable in court
where action brought, II. 264

BILL OF EXCHANGE

acceptance to be by underwriting the same, I. 606, 8

how and when protested for non-payment, or for non-
acceptance, and fees thereon, I. 606, &c.

effect of such protest, and notice thereof in 14 days, I.
607-8

bill to be for £20. [or £25. in Ireland] drawn after date,
and for value received, I. 606-8

if bill lost before time of payment, drawer shall give a
new bill upon being indemnified, I. 607-8

if taken in satisfaction of a former debt, full payment,
unless protest and due diligence, I. 608

bills due on Good Friday payable the day before, I. 609

See FORGERY, LARCENY.

**BILLS FOR DISCOVERY, FORECLOSURE, IN-
JUNCTION, RENEWAL, &c. See EQUITY.**

BILLETING. See ARMY.

BILLIARDS. See GAMING.

BINDING OVER. See CORONERS, RECOGNIZANCE.

BISHOP

elections to bishopricks and other dignities, &c. free, I.
314

election of bishop within 12 days after letters missive, I.
314

investiture, consecration, and installing how to be, I.
315-6

their remedies for wrongs done in the time of their pre-
decessors, or in vacation, *Ad.* I. 152

in Ireland bishopricks donative: *conge de elire* abolished,
I. 316-7

coadjutors may exercise all powers, &c. of bishops, *Ad.*
II. 510

See ECCLESIASTICAL PERSONS, LEASES, RENTS, &c.

BLACK ACT. See GAME, MISCHIEF.

BLACKSMITHS. See ARMS.

BLACK LEAD. See LARCENY.

BLANCHING. See COIN.

BLASPHEMY

jestingly or profanely using the name of God, or of the
Trinity, &c. in any stage play, &c. punished by fine,
II. 439

acts in Scotland punishing this crime with death repealed
Ad. II. 328

See HERESY.

BLEACH YARD. See FORGERY, LARCENY, MISCHIEF.

BOG

commissions issued by courts of equity in Ireland, for th
partition of them, and proceeding therein, I. 485, &c.

bishops may demise bog (or fenny ground) for 60 year
I. 532

BOND. See BAIL, COMBINATION, CONVEYANCES, FORGERY, LARCENY, PLEADING, REPLEVIN, &c.

BOOK OF COMMON PRAYER

when first established, and afterwards altered and confirmed, II. 376, 380

assent thereto declared by beneficed clergy ; by heads of colleges ; by lecturers in churches, &c. I. 324. II. 381-2-3

penalty for being present at or using other service, II. 376-7

penalty for depraving or speaking in derogation of, II. 377, &c.

incumbents of benefices to read it once every month, II. 381

to be read by priest or deacon before sermon or lecture, II. 383

litanies, &c. relating to the king, &c. from time to time altered, II. 383

copies of this book to be provided in all parishes, II. 384

BOOKS. See ACCOUNT BOOKS, CATHOLICS, COPYRIGHT, &c.

BOROUGHES. See PARLIAMENT.

BOOTHES. See LARCENY. PARLIAMENT.

BOTES. See LARCENY, TREES.

BOTTOMRY. See ASSURANCE, BANKRUPT.

BOULTERS CHARITY

for augmentation of poor livings, I. 171

BOWLS. See GAMING. SUNDAY.

BRASS. See LARCENY.

BREACHES ASSIGNED. See PLEADING.

BREAD. See ADULTERATION.

BREAKING PRISON

none breaking prison shall have judgment of life or member for, unless crime for which offender was imprisoned required it, II. 584

in Ireland person breaking gaol or prison with intent to rescue or enlarge [*himself, or] other prisoner confined therein for offence capital or not, or though not himself a prisoner, guilty capitally, [*and may be tried before any prisoner enlarged by him,] II. 586

See BENEFIT OF CLERGY. ESCAPE.

BREAKING. See HOUSE-BREAKING, MISCHIEF, RIOT, TREES.

BRIBERY

sheriffs or other officers, and judges, &c. accepting bribes, II. 610

See PARLIAMENT.

BRIDEWELLS

in Ireland keepers of to return calendar of prisoners to sessions, *Ad.* I. 134

* These words within the crotchets should have been inserted in Digest, Vol. II. P. 56. l. 22 & 25.

BRIDEWELLS, continued.

magistrates may commit prisoners to, for any crimes, *Ad.*
I. 136-7

sheriffs to have superintendence of, and transmit prisoners from, *Ad.* I. 136-7

See JUSTICES OF PEACE.

BRIDGES

what persons bound to build and repair them, I. 275.6

inhabitants competent witnesses in such questions, I.
275.6

surveyors of, to have same powers as surveyors of highways, I. 276

powers of surveyors extended to bridges repaired by hundreds, *Ad.* II. 82

built and repaired in Ireland by grand jury presentment, I. 277. *Ad.* I. 18

See MISCHIEF.

BROKERS

liable to be bankrupts, I. 615

their fees for procuring money limited, II. 696

their fees on contracts for annuities limited, *Ad.* II. 211

their charges in respect of distress for rent limited, *Ad.*
II. 217

BUGGERY

detestable vice of, with man or beast, a capital felony, II.
918

BULLION. See COIN.

BULLS, OXEN, &c. See LARCENY.

BULLS PAPAL. See PRÆMUNIRE, TREASON.

BUONAPARTE

the king authorized to detain him : a capital felony to rescue him, or assist, &c. in his escape, *Ad.* II. 364, &c.

intercourse with St. Helena restrained and regulated during his detention there, *Ad.* II. 366, &c.

BURGESSES. See CORPORATION.

BURGLARY

a capital felony ; breaking out of houses when burglary, II. 921-588

See ACCESSARIES, REWARD.

BURIAL. See CHURCH-YARDS, MONASTERIES, REGISTER.

BURNING

in Ireland tenants forfeit £10. an acre for land burnt, II. 759, &c.

jurisdiction and power of justices in respect thereto, II. 759, &c.

in default of original lessor, intermediate lessor may proceed, II. 762

lessees to have remedy over against occupiers, II. 762

penalty for hindering the survey of land burnt, II. 762

where covenant in lease ascertains penalty, remedy by distress or civil bill, II. 763

in suits for penalties by devisee of lessor, what evidence of title, *Ad.* II. 431

BURNING, continued.

See ASSEMBLIES, BARBAROUS CUSTOMS, KING'S STORES,
MISCHIEF, SERVANTS.

BURNING IN THE HAND. See BENEFIT OF CLERGY.

BUSTARDS. See GAME.

BUSTS. See COPYRIGHT.

BUTLERABOO. See MAINTENANCE.

BUTLERAGE

this branch of revenue purchased from subjects, I. 193.

Ad. I. 12

BYE - LAWS. See COMBINATION, CORPORATION.

BUYING AND SELLING

subjects to bankruptcy, I. 615

See COIN, GAME, LARCENY, &c.

CABBAGES. See LARCENY.

CALENDAR

corrected, and stile altered, I. 464

in what cases the old stile shall be retained, I. 466

laws concerning adopted in Ireland, Preface xii

CALENDAR OF PRISONERS. See PRISONERS.

CALF. See LARCENY.

CALICO. See LARCENY, MISCHIEF.

CANAL. See MISCHIEF.

CANONICAL PURGATION. See BENEFIT OF CLERGY.

CANONS

not repugnant to king's prerogative, &c. confirmed, I. 165

not to be made in convocation without king's assent, I.

165

CAPIAS

in what actions this process shall issue, II. 192, 3

pro fine abolished, II. 269

See EXECUTION, OUTLAWRY.

CAPITAL PUNISHMENTS. See BENEFIT OF CLERGY,
HERESY.

CARCASES. See LARCENY.

CARDS. See FORGERY, GAMING.

CARNAL KNOWLEDGE. See CHILDREN, RAPE.

CARRIERS. See SUNDAY.

CARROTS. See LARCENY.

CARRYING. See ABDUCTION, LARCENY, RIOT.

CART - BOTE. See LARCENY, TREES.

CASE. See CAPIAS, COSTS, LIMITATION, &c.

CASHIERS. See LARCENY.

CASH PAYMENTS. See BANK OF ENGLAND AND IRE-
LAND.

CAST. See COPYRIGHT.

CASTING AWAY. See MISCHIEF, WRECKS.

CASTLE CHAMBER

court of, its jurisdiction in Ireland, I. 8. II. 602. 912. *Ad.*

I. 1.

CATHOLICS (ROMAN)

what oaths to take, and when and how, as a qualification

CATHOLICS (ROMAN,) *continued.*

- for voting for members of parliament, I. 88-9. *Ad.* I. 4, 5, 7. *Ad.* II. 13
- disabled to sit in parliament, oath of supremacy, &c. being required to be previously taken, &c. I. 139, &c.
- excluded from succeeding to the throne, I. 150, 1, 5, 6
- disabled to be sheriffs or sub-sheriffs, I. 222-4. 303-4
- disabled to be justices of peace: but this disability conditionally removed in Ireland, I. 245-6
- may hold inferior offices in England upon taking certain oaths, I. 296-7-8-9
- disabled to hold offices or places of trust, oath of supremacy, &c. being required to be previously taken: but this disability conditionally removed in Ireland, except as to certain offices, I. 300-3-4
- disabled to vote at vestries respecting the rebuilding, &c. of churches, demising, &c. church estate, salary of clerk, or electing church-wardens, I. 352
- disabled to marry protestants by marriage act in England, I. 407
- in Ireland marriages between protestants and catholics, if celebrated by popish priest, &c. void; unless previously celebrated by a protestant clergyman, I. 410
- power of chancellor to enforce maintenance for their children, I. 414
- disabled from appointing guardians to their children, I. 418
- in Ireland this disability conditionally removed, save as to lapsed papists and popish ecclesiastics, *Qu.?* I. 419, 420
- in England disabled to be officers in corporations, oath of supremacy, &c. being required, I. 423-4
- what oaths required in Ireland for officers of corporations to take, I. 423-4
- in Ireland conditionally qualified to vote for magistrates, I. 426-7
- disabled to present to benefices, I. 432-4
- in England, papists, &c. disabled to take lands by descent or purchase, &c. or acquire lands; and during their lives, or till they take oaths of supremacy, &c. next of kin being protestant to take: but this disability removed on taking a certain oath, I. 490. II. 420
- what conformity enables papists, &c. to take lands, I. 491-2
- in Ireland, papists, &c. disabled to take by descent or limitation the lands of protestants, unless they conform within 6 months, &c. and protestant next of kin, to take during life, &c. of such papists, subject to maintenance, I. 492-3. 500
- their estates in fee or tail to descend in gavelkind, subject to debts, and maintenance for children, but eldest son or heir, if protestant, shall take, &c. upon

CATHOLICS (ROMAN), *continued.*

- getting and inrolling certificate of bishop, I. 493, 4, 5
- also disabled to take annuities, &c. charged on lands, I. 495
- lands conveyed or securities passed to evade these laws may be sued for by protestant, and bills of discovery filed, I. 496, 7
- provision made by chancellor for wives of papists conforming, I. 498
- chancellor may order maintenance for protestant children of popish parents, I. 414
- old mode of conformity, I. 498, 9
- new mode of conformity, I. 499.
- the law which enabled the eldest son, by conforming, to make the father tenant for life, repealed, I. 500
- lands, &c. whereof papists were or should be seised [* by title legally derived from persons who were (in the year 1778) seised,] descendible, &c. as if in the seisin of protestants; and papists, &c. enabled to take estates so descending, &c. upon taking a certain oath, I. 501
- enabled conditionally to purchase or take by descent, devise, &c. lands, &c. (except advowsons or parliamentary boroughs,) and dispose thereof, &c. I. 502, 3
- their disabilities of acquiring property first relaxed as to leases of bogs: and next as to leases for term of years, I. 503, 4
- titles of protestants derived through them confirmed, I. 505
- barristers, advocates, attornies, solicitors, proctors, clerks, or notaries, to take the oath of supremacy, and subscribe declaration against transubstantiation: but how far dispensed with by catholics taking a certain oath, II. 30. 53, 4, 6
- converts holding places of trust, &c. or being members of parliament, barristers, &c. to educate their children protestants, II. 576
- children of popish parents, who from 12 years of age have been bred up protestants, and received the sacrament, deemed protestants, II. 576, 7
- issues on popery acts or in actions between protestants and papists, tried by known protestants only, *Qu.* II. 258
- not to be jurors for trial of offences of enlisting in foreign service, II. 512
- not to be grand jurors except in default of protestants, *Ad.* I. 141
- disabled from carrying arms. See ARMS.
- punishable for non-conformity to worship of established church. See DISSENTERS
- punishable for not going to church. See RECUSANCY.
- excluded from the benefits of the toleration acts, II. 390 394
- saying, or singing, or hearing mass, or exercising func-

* These words were by some error omitted in Digest, Vol. I. p. 501. l. 2.

CATHOLICS (ROMAN) *continued*

- tion of a popish bishop, priest, or jesuit, how punished, II. 417, 8, 9
- receiving, &c. jesuits or popish priests, ordained by see of Rome, a capital felony : penalty for not discovering them : reward for discovering and apprehending of them, II. 417, 8
- popish bishops, &c. taking certain oaths exempt from penalties, II. 417. 420. 423
- no person taking a certain oath prosecuted for being a papist or popish priest, &c. or for being present at or performing any ceremony of the popish religion, or maintaining others therein, II. 421
- places of worship of papists to be certified at sessions, and their priests recorded : and their assemblies not to be with doors locked, II. 421
- penalty for disturbing their worship, or misusing their priests, II. 422
- their priests exempt from serving on juries, &c. but not to officiate in places with steeples or bells, or at funerals or churches, &c. or to wear the habits of their order, II. 423
- in Ireland, popish priests to make returns of their names and places of abode to clerks of the peace, and enter into recognizance, &c. II. 423
- penalty for harbouring any priest not so registered, II. 424
- popish priest keeping popish curate, both prosecuted as popish regulars, II. 424
- popish clergymen coming into the kingdom to be transported, &c. penalty for harbouring them, and reward for discovering them, II. 538, &c.
- popish ecclesiastics taking certain oath, &c. and registering their names, &c. exempt from penalties of popery acts ; provided they do not officiate in chapels, &c. with steeples or bells, or at funerals, or wear the habits of their order, (except in places of worship, &c.) or assume titles, &c. II. 425
- punishable for keeping school or instructing youth See SCHOOLS.
- persons going or sending children to a foreign popish seminary, or sending money, &c. for the maintenance of any such child or person, incur what penalties, &c. ; and officer of port or owner of ship, also punishable, II. 433, 4, 5
- children departing the realm without license of king and council, (except soldiers, mariners, merchants, &c.) not to take by descent, gift, &c. II. 434
- in Ireland, papists, &c. sending children under age of 21 abroad without license of king and council, how punished ; judges and justices of peace may require parents to produce their children, II. 435, 6
- penalty for persons having popish books used for service

CATHOLICS (ROMAN,) continued.

of church, or images graven or painted, not delivering them up to mayors, &c. to be destroyed by bishops, &c. II. 436, 7

penalty for importing, printing, buying, or selling popish books, &c. II. 437

justices may search for popish books or relicks, II. 438

penalty for burying in suppressed monasteries, &c. II. 439

in Ireland, magistrates to destroy popish crosses, pictures and inscriptions, and disperse assemblies at wells, II. 433

penalty for papists enlisting without declaring their religion, II. 546

obtaining or using bulls from Rome, &c. high treason, and persons aiding therein or concealing such bulls, how punished, II. 480. 545

See ABDUCTION, ARMS, DISSENTERS, FORGERY, MARRIAGE, OATHS, PREMUNIRE, RECUSANTS, SCHOOLS.

CATTLE. See LARCENY, MISCHIEF.

CAUSEWAYS. See MISCHIEF.

CELLAR. See LARCENY.

CAYLS. See GAMING.

CEMETRIES. See CHURCH-YARDS.

CERTIFICATE. See BANKRUPTCY, BASTARDY, CLERGY, COSTS, OATHS, POOR, REGISTRY.

CERTIORARI,

to remove recognizance must contain a clause to certify cause of taking, name of justice who took it, and be signed by a judge of the court, &c. II. 96. *Ad. I.* 63.

to remove indictments for riot, &c. must be delivered at sessions, &c. in open court, and what sureties found, II. 1195

to remove any indictment, &c. for any misdemeanor from before justices at sessions, [or assizes in Ireland] before trial, how obtained in term time, and in vacations, and what recognizances required from manucaptors, and before whom entered into, II. 1113, &c. 1195

to remove indictment, &c. for not repairing highways, &c. where right in question, II. 1115

in England to remove any judgment or order, what recognizance required; how soon applied for after conviction; and what notice to justices, II. 1116

CESSAVIT,

in what cases maintainable to recover land demised, II. 157, 8

CESTUI QUE VIE. See ABSENCE, APPORTIONMENT, RENT.

CHAIRMAN,

of co. Dublin sessions to hold during good behaviour, I. 159

his civil bill jurisdiction, II. 63. *Ad. II.* 511

CHALKING. See MAIMING.

CHALLENGE See ARRAIGNMENT, GAMING, JURY.

CHAMBERLAIN. See TOLLS.

CHAMPERTY,

bargaining for land or other thing in plea, how punished,
II. 603, 4

buying or selling pretended titles, unless one year in pos-
session, II. 603, 4

CHANCELLOR,

his precedence in parliament chamber, &c. I. 358, 9

shall follow the king, II. 37

lord keeper, or lords commissioners to have the same ju-
risdiction, &c. but 2 commissioners to concur in mak-
ing decrees, or affixing great seal, II. 38

in Ireland, 2 commissioners for hearing causes in his ab-
sence, may hear bankrupt motions, II. 337

slaying him when doing his duty, treason, II. 479

vice-chancellor appointed to hear causes, &c. referred to
him by chancellor, *Ad.* II, 221

and his decrees to be subject to reversal by chancellor ;
to hold during good behaviour, but removable upon
address of both houses of parliament ; to rank after
master of the rolls, and not to reverse his decrees or
chancellor's, *Ad.* II. 222, 3

CHANCERY,

its juridical authority in framing original writs, II. 38

its equitable jurisdiction. See CHARITIES, EQUITY, &c.

its bankrupt jurisdiction. See BANKRUPT.

CHANCE MEDLEY. See HOMICIDE.

CHAPEL. See ASSEMBLIES, LARCENY.

CHARITIES

persons seised in fee enabled to grant land, &c. by deed
inrolled in chancery, for erection of hospitals, and
other charitable uses, I. 420

hospitals and other eleemosynary foundations how visited,
I. 427, 8

in Ireland, vicar general in each diocess, &c. and judge
of prerogative, to make returns of charitable bequests
to commissioners of charitable donations ; and execu-
tors to publish them, I. 663, 4

in England, trustees of charities to register with clerks
of the peace a statement of estates granted, objects
of charities, names of founders, &c. *Ad.* II. 190, &c.
dispositions of lands, &c. for charitable uses, how made,
how long executed and inrolled, and transfer of stock
made, before death of donor, I. 510

grants to universities, &c. for support of scholars, except-
ed, I. 511

what leases, &c. of lands of hospitals, &c. valid, I. 521, 2
commissioners appointed in chancery for inquiring into
charitable uses, and correcting the abuses of such
trusts, II. 333, &c.

in Ireland bishops compellable by *subpœna* in chancery,

CHARITIES, continued.

or petition to privy council, to execute trusts for charitable purposes, II. 336

trustees empowered to surrender, giving notice to governors, II. 336

See MORTMAIN, SCHOOLS.

CHARTER. See GREAT CHARTER.

CHARTER SCHOOLS. See SCHOOLS.

CHEATING,

obtaining money or goods by means of false token or counterfeit letter, or by any false pretence whatever, how punished, II. 1003, 4, 5

obtaining bonds or other securities, or order for payment of money, or delivery of goods, liable to like punishment. *Ad.* II. 448

See GAMING.

CHIARO OBSCURO. See COPYRIGHT.

CHIEF MAGISTRATE. See INSURRECTION.

CHILDREN,

parents how compellable to provide for them when poor, I. 413

what provision made for them in Ireland, I. 285, 6. 400, 1
carnal knowledge of, under age of 10 in England, or 12 in Ireland, a capital felony, II. 917

master of charter or charity school having carnal knowledge of child, though above 12 years old, and school mistress, if privy, how punished, II. 917

See APPRENTICES, BASTARDS, POSTHUMOUS CHILDREN.

CHILD STEALING,

punishable as grand larceny, *Ad.* II. 438

CHIVALRY. See COURTS MILITARY.

CHOSSES IN ACTION. See LARCENY.

CHURCH,

king to join in communion with church of England; and swear at his coronation to maintain it, and church of Scotland, I. 155, 6

united church of England and Ireland established, I. 155, 6

king declared supreme head of the church, I. 164

privileges of confirmed by the great charter, &c. I. 314.

Ad. I. 19

See AFFRAY, ASSEMBLIES, LARCENY, MISCHIEF, RECUSANCY.

CHURCHES,

parishes in Ireland assessed for building, &c. I. 353

persons enabled to grant lands, &c. for building, &c. I. 353

king and lords of manors also enabled, *Ad.* I. 22

new churches deemed parish churches, though not on ancient scites, *Ad.* II. 148

rectors, &c. may grant an acre of glebe for church and church-yard, *Ad.* II. 149

Roman catholics disabled to vote at vestries in respect to building, &c. I. 252

CHURCHES, continued.

first fruits and parliamentary grant applicable to this purpose, I. 173

CHURCH RATES AND PARISH CESSSES,

not exceeding £10. recovered summarily before 2 justices, *Ad.* II. 150

CHURCH-YARDS,

power given to king, lords of manors, &c. to grant lands, &c. for church-yards, I. 353. *Ad.* I. 22.

ecclesiastical corporations also enabled, *Ad.* II. 149

discharged of adverse titles after 20 years, *Ad.* II. 150

CHURCH-WARDENS,

elected in Ireland by same persons as vote at vestries for repairing of churches: Roman catholics disabled to vote, I. 352

protestant dissenters may execute the office by deputy, I. 296. 352

entry of election in vestry book evidence of election, I 354

when liable to be sued for balances due by predecessors, I. 354

pleading and costs in actions against, II. 144, &c.

CITATION. See ECCLESIASTICAL COURTS.**CITIES. See CORPORATION, JURIES, TOLLS.****CIVIL BILLS. See ASSISTANT BARRISTER, CHAIRMAN.****CIVIL OR ESTIMATE SURVEY,**

of forfeited estates when and how taken, I. 178, 9

CIVIL LIST,

establishment for support of king's household, &c. I. 208, 9

CLANDESTINE MARRIAGE. See MARRIAGES.**CLERKS OF ATTORNIES. See ATTORNIES.****CLERGY. See BENEFIT OF CLERGY, ECCLESIASTICAL PERSONS, &c.****CLERK OF ASSIZE. See CLERK of the CROWN, FEES.****CLERK OF THE CROWN,**

not to act as counsel or agent for defendant in any suit at the prosecution of the crown, II. 1212

See FEES, INFORMATIONS, &c.

CLERKS IN CHANCERY,

their oath of office, II. 368

their term fee in lieu of those upon commissions for taking answers, II. 370

authority of the master of the rolls to appoint them, II. 369

delays from death or removal of six-clerk obviated in Ireland, II. 370

during the vacancy of office of register, chancellor may appoint a sub-register, &c. II. 370

sale of office of six-clerk in Ireland regulated. *Ad.* 179, &c.

CLERK OF THE MARKET. See MEASURES, WEIGHTS.**CLERK OF THE PEACE,**

appointed by *custos rotulorum* in each county, II. 1119. 1120

to continue during good behaviour, but subject to be sus-

CLERK OF THE PEACE, *continued.*

pendent or dismissed by justices at quarter sessions, II. 1120

office not to be sold : clerk's oath denying corrupt appointment to, II. 1121

a table of their fees to be settled by justices of peace at their annual general and general quarter sessions, and approved by justices of assize, &c. *Ad.* II. 467, 8

no under-sheriff or sheriff's clerk shall act as, for same county, *Ad.* I. 14

shall not act as attorney at sessions, II. 20

CLERKS. See LARCENY.

CLUBS. See ASSEMBLIES, COMBINATION.

COACH-HOUSES. See LARCENY.

COALS AND COAL MINES. See LARCENY, MISCHIEF.

COATS OF ARMS. See ARMS.

COIN,

counterfeiting king's money ; or foreign gold or silver coin current in the realm, high treason, II. 474

making or mending dyes, &c. to stamp current coin, or buying or selling, &c. such dyes, &c. ; or conveying, coining instruments from mint ; or marking on the edges of current coin or counterfeit coin to resemble the marks of genuine coin ; or colouring, &c. any coin or blanks to resemble the current coin, high treason, &c. II. 475

washing over a lawful or false shilling or six-pence to resemble a guinea or half guinea ; or half-penny or farthing to resemble a shilling or six-pence, high treason, II. 477

clipping, &c. or diminishing, &c. current coin, high treason, II. 478

counterfeiting foreign gold or silver coin not current, misprision of treason, II. 545

bringing counterfeit money into the realm, whether the king's or current, II. 479

ancient statutes declaring what coin shall be current, prohibiting the importing false money,, &c. or exporting coin, or gold or silver without license, II. 484, 5
penalty for melting down half-pence or farthings ; or gold or silver money, II. 485

penalty for selling or buying, &c. silver money unclipped at more than its proper value ; or clippings or filings of coin, II. 486

persons in whose possession unlawful bullion shall be found how punished ; any person may cut, &c. diminished or counterfeit gold or silver money, II. 488, 9

uttering counterfeit money or having more than one piece at time of tendering such, or repeating such crime, how punished, II. 489

felony to blanch, &c. copper for sale, or to sell, &c. blanching copper alone, or mixed with silver ; or to buy or sell, &c. metals resembling gold ; or to receive or pay

COIN, *continued.*

counterfeit or diminished milled money at a lower rate than its denomination, II. 490, 1

felony to counterfeit halfpence or farthings, or to buy or sell counterfeit copper money at a lower rate than its denomination, II. 490-1

statutes respecting copper money extended to such as shall be made current by proclamation, II. 492

persons making, mending, or having any tool, &c. for counterfeiting copper coin, how punished, II. 493

felony to counterfeit foreign gold or silver coin not current; or to bring such into the realm: and uttering such or having more than 5 pieces how punished, II. 493-4

search for counterfeit money authorized: and reward given, II. 486-7-8. 490-1-2-5

penalty for giving or receiving for gold or silver money more than the current price, II. 503

persons receiving or paying for current gold coin more or less than its denomination, &c. in notes, tokens, &c. how punished, *Ad.* I. 92. *Ad.* II. 360. 512

penalty in Ireland for buying any guinea or half guinea for less than the legal currency, unless cut, &c. II. 504

warden of the mint to make weights of a guinea and shilling, and multiples thereof, to be approved of by king and council as standard weights: duplicates thereof also made, and all weights for weighing gold and silver coin regulated thereby and stamped: and penalty on persons counterfeiting, &c. such stamps, II. 505-6-7

new silver coin, and standard established, *Ad.* II. 355

after the period for receiving old coin at the mint, it may be cut by person to whom tendered, if deficient in value, *Ad.* I. 357

gold coin of the weight and fineness of the mint indenture the only legal tender, *Ad.* II. 359

no tender of silver coins legal beyond 40s. (except bank tokens) *Ad.* II. 359, 361

officers of customs may seize silver coins not of established standard, II. 507

penalty for exporting to colonies copper coin not being legal, or counterfeit gold or silver coin, II. 504

See BANK OF ENGLAND AND IRELAND.

CLOTH. See LARCENY, MISCHIEF.

CLOTHES. See MISCHIEF.

COLLEGES. See BOOK OF COMMON PRAYER, CHARITIES, LEASES, OATHS.

COLLIERIES. See COMBINATION, LARCENY, MISCHIEF.

COMBINATION

to defraud clergyman or lay impropriator of tithes, how punished, II. 621-3

digging grave, erecting gallows or gibbet, &c. using force, or threatening punishment, to compel any person

COMBINATION, continued

to enter into combination to prevent any person from giving evidence in any suit or prosecution ; or to prevent the collection of rates or taxes, a capital felony, II. 621-2

to obstruct landlords, &c. in setting their lands, or distraining for rents, how punished, II. 622-3

of butchers, brewers, bakers, poulterers, &c. how punished, II. 705

of colliers or miners, how punished, II. 721

by journeyman manufacturers or others for obtaining an advance of wages, altering the usual time of working, decreasing the quantity of work, &c. how punished ; and what acts evidence of such combinations, II. 705 to 715. 716 to 729

penalty for paying or collecting contributions for support of such combinations ; and upon the owners of houses, &c. where such combinators meet, II. 707-8. 719 to 729

by masters for reducing wages of workmen, altering their usual hours of working, or for encreasing the quantity of work, how punished, II. 712-722

disputes between master and workmen settled by arbitration, II. 712, &c.

penalty for employing artificer, &c. retained by another, II. 717-728

penalty for artificers, &c. wilfully spoiling goods, or selling, &c. work committed to their care, II. 728

assaulting with intent to tear, &c. clothes, a felony, II. 1021

colting, wounding, &c. journeyman in pursuance of combination, a capital felony, II. 1025

acts of combination to which no specific punishment is annexed by statute, how punished, II. 1028

See ASSAULT, ASSEMBLIES, CONSPIRACY, INSURRECTION, MISCHIEF.

COMMENDAM. See PRÆMUNIRE.**COMMERCE**

certain British acts respecting, adopted in Ireland, Preface xi

COMMISSIONERS

of the admiralty. See ADMIRALTY.

of appeals, their jurisdiction, &c. II. 1129. *Ad.* II. 29

for taking affidavits, &c. See AFFIDAVITS, EQUITY.

of bankrupts. See BANKRUPTS.

for taking bail. See BAIL.

of charitable uses. See CHARITIES.

of customs and excise, their jurisdiction, II. 1129. *Ad.* I. 136

of education. See SCHOOLS.

of sewers. See SEWERS.

COMMISSIONERS OF OYER AND TERMINER

may sit during term and sitting of king's bench, II. 1105, 6

COMMISSIONERS of OYER and TERMINER, *continued.*
to whom such commissions shall be granted, and how
often, II. 1108, 1111. *Ad.* I. 134

king's serjeant, &c. or king's counsel may be one, II. 47
may act in county where born or inhabiting, II. 48. *Ad.* I.
134

of what offences they shall inquire, II. 1109. 1111, 2
new commissioners may pass sentence on persons found
guilty of treason or felony before their predecessors ; or
award execution against those reprieved, &c. II. 1110
their commissions not determined by demise of the
king, II. 1110

COMMISSION COURT

for causes ecclesiastical abolished, I. 6

COMMISSIONS

for examination of witnesses. See EQUITY, JURY.

for trial of offences committed abroad. See ADMIRAL-
TY, INDICTMENT.

See ARMY, FOREIGN SERVICE, JUDGES, JUSTICES.

COMMITMENT. See BAIL.

COMMITTEES. See ASSEMBLIES, COMBINATION, PAR-
LIAMENT.

COMMON OF ESTOVER. See ESTOVER.

COMMON OF PASTURE

improvement or enclosure of by lords of manors, I. 439

enclosure by commoners how far authorized, I. 440

nusances, &c. to, how punished and abated, II. 764

See DISTURBANCE.

COMMON PLEAS

court of, shall not follow the king's court : but may be
removed upon warning, II. 37. *Ad.* I. 60

COMMON PRAYER. See BOOK OF COMMON PRAYER.

COMMON RECOVERY. See RECOVERY.

COMMON SUMMONS

amercement for default of restrained, *Ad.* I. 70

COMMON (TENANTSIN). See PARTITION.

COMPASSING DEATH OF KING. See TREASON.

COMPOSITION RENTS

history or origin of, I. 176-7

COMPOUNDING INFORMATIONS. See PENAL AC-
TIONS.

CONDITION. See ASSIGNEES, ESTATES.

CONFORMING. See CATHOLICS (ROMAN).

CONFORMITY. See DISSENTERS, RECUSANTS.

CONGE D'ÉLIRE. See BISHOPS.

CONIES. See GAME.

CONJURATION. See WITCHCRAFT.

CONSANGUINITY. See JURIES, MARRIAGE.

CONSERVATORS. See FISH, HIGHWAYS.

CONSOLIDATED FUND

origin of, I. 203. *Ad.* II. 40

CONSPIRACY

to kill king or lord, or one of the king's privy council, or
officer of the household, how punished, II. 508

CONSPIRACY *continued*

in Ireland conspiracy, &c. or encouraging, &c. to murder,
a capital felony, II. 907

ancient statutes defining offence, and giving writ of, II.
605. 6-1193. *Ad.* I. 95

See COMBINATION. INSURRECTION.

CONSTABLES

their ancient duty, in hundreds, parishes, &c. I. 251-2

to be appointed yearly at courts leet by lords of manors,
I. 252-3-4

powers of justices of peace in default of lords of manors,
I. 252-3-4

powers of judges and grand juries in Ireland in default
of justices of peace, I. 253-4

what persons exempted or excluded from holding this of-
fice, I. 256-7

high constables appointed for each barony in Ireland, by
grand juries, to collect presentments, I. 253

petty or sub-constables appointed in each barony, &c.
by grand juries, for preserving the peace and execu-
ting the law, I. 254. *Ad.* II. 46

their powers, duties and oath, I. 255-6

grand juries to present their salaries, (and pensions when
superannuated) and for their arms, accoutrements,
&c. *Ad.* II. 55-6

special or extra-constables appointed at general sessions,
Ad. II. 47

in counties, &c. or parts of counties, &c. proclaimed as
disturbed, chief and sub-constables appointed, *Ad.* II.
47-8. 51

what number of chief and sub-constables so appointed,
Ad. II. 48. 52. 54

oath of such chief and sub-constables, *Ad.* II. 53

pleading and costs in actions against, II. 144-7

See COUNTIES, HUE AND CRY, JUSTICES OF PEACE,
WATCH AND WARD, &c.

CONSTABLE AND MARSHAL. See COURT MILITARY.

CONSTAT. See EXEMPLIFICATION.

CONSULTATION

writ of, when and how obtained ; prohibition after, void,
II. 94

See TITHES,

CONTRACTS. See AGREEMENT.

CONTUMACY. See ECCLESIASTICAL COURTS.

CONVENTICLES. See DISSENTERS.

CONVENTION ACT. See ASSEMBLIES, (II. 654)

CONVERTS. See CATHOLICS (ROMAN)

CONVEYANCES AND ASSURANCES

to delay or defraud creditors ; or to defraud or deceive
purchasers, void ; and parties and privies thereto incur

what penalties, &c. I. 516-7. II. 1005-6

with clause of revocation, &c. void against purchasers,
&c. I. 517

founded upon usurious considerations, &c. void ; and

CONVEYANCES AND ASSURANCES, *continued.*

treble value of monies, &c. rent, &c. forfeited, I. 515.

II. 695-6

deeds of gift of goods in trust for the person making, void, I. 596

See AGREEMENT, ATTORNMENT, ECCLESIASTICAL PERSONS, &c.

CONVICTS. See BENEFIT OF CLERGY.

CONVOCAATION

of the clergy to be assembled only by king's writ, I. 165

See ARREST, CANONS.

COPARCENERS. See PARTITION.

COPPER. See COIN, LARCENY, MINES.

COPPICE. See LARCENY.

COPYHOLDS

not altered by abolition of feudal tenures, I. 444

how far this tenure exists in Ireland, I. 445

feme covert and infants how admitted thereto, I. 578

stewards, &c. of copyhold courts to receive stamp duties, I. 579

common recoveries may be suffered of, by attorney, I. 580

devises, &c. of, valid, though no surrender to uses of wills, *Ad.* II. 199

COPYRIGHT

11 printed copies of books published delivered, within 12 months after publication, for public libraries, upon demand, &c. under what penalty, *Ad.* II. 200-1no copies of new editions, but of additions, required, *Ad.* II. 201author to have exclusive right of reprinting for 28 years, and life concurrent : and penalties for infringing it, *Ad.* II. 201-2authors of books already published, if 14 years not expired, to have further 14 years, and their lives concurrent, *Ad.* II. 204titles of books published to be entered at Stationers' Hall, within what time, and what penalty in default thereof, *Ad.* II. 203periodical publications how entered, *Ad.* II. 203fees of registering and inspecting copies, *Ad.* II. 203duty of warehouse-keeper as to transmitting lists to libraries, *Ad.* II. 204

privileges of universities and colleges as to printing, &c. at their presses, books bequeathed, &c. to such universities, &c. I. 585-6

duty of clerk of company of stationers in respect to registering books, and giving certificates, how enforced, I. 587

penalty for importing, &c. any book first printed, &c. within the united kingdom, and reprinted elsewhere, I. 588

COPYRIGHT *continued,*

property in prints engraved in mezzotinto or chiaro oscuro, secured to inventors for 28 years, I. 589

exclusive right to inventions in sculpture, or alto or basso rilievo, vested in proprietors for 14 years ; and for a further term of 14 years if living at the end of the first 14, *Ad. I. 47. Ad. II. 205, 6*

CORMORANTS. See **GAME.**

CORN. See **ASSEMBLIES, CUSTOMS, DISTRESS, FORESTALLERS, MEASURES, MISCHIEF, REGRATORS, VAGRANTS.**

CORODIES,

pensions, &c. for king's clerks or servants restrained, I. 166

CORONATION,

oaths, &c. required to be taken, &c. by king, I. 154, 5, 6

CORONERS,

who to be ; and how chosen, I. 235

their several duties enumerated, I 236, 7

required to put in writing the evidence given before them upon inquisitions, and to certify such evidence, with inquisitions and recognizances of witnesses, before the time of trial, I. 238

townships amerced where murderer escapes : duty of coroner thereupon : juries not to be harassed in such cases, I. 238

what fees paid to coroners, I. 239, 240. *Ad. I. 15*

See **EXECUTION, JURIES, ODIO ET ATIA, OUTLAWRIES, &c.**

CORPORATIONS,

restrained from making bye-laws contrary to king's prerogative or profit of people, I. 422

acts of majority binding, and statutes of founder to the contrary void, I. 422

oaths of allegiance and supremacy, and sacrament, required in England to be taken by officers of ; I. 423

in Ireland sacrament not required to be taken, &c. I. 424

new rules for corporations in Ireland, I. 423

none to be elected aldermen or freemen in cities (or great towns) but such as have been apprentices, or continually inhabiting : I. 424

in towns corporate or boroughs not being cities, burgesses or other officers eligible, though not inhabitants or resident, *Ad. II. 178*

aliens, merchants, artizans, &c. admitted to their freedom in corporations in Ireland ; and exempt from corporation offices for 7 years, I. 308. 425, 6

what oaths required to be taken as a qualification for voting at elections of magistrates, I. 426, 7

upon death, resignation, or removal of alderman or burgess, successor how elected, I. 427

corporation not dissolved by reason of mayor, &c. not being elected within time appointed by charter or usage, (or according to new rules in Ireland,) but penalty for hindering such due election ; and irregularity how remedied, I. 428, 9

CORPORATIONS *continued.*

what mode of taking oaths sufficient for portreeves or other chief magistrates of boroughs. I. 430

when visited by king, founder, or ordinary, I. 427, 8

See MANDAMUS, QUO WARRANTO, TOLLS, &c.

CORRECTION. See BRIDEWELL.**CORRESPONDENCE.** See TREASON.**CORRESPONDING SOCIETIES.** See ASSEMBLIES.**COSHERERS.** See VAGRANTS.**COSTS,**

how recovered by attornies, II. 31

given to plaintiffs in assizes, &c. and in all cases where damages recovered, II. 129

to plaintiffs and defendants, in actions of waste, debt for not setting forth tithes, *scire facias*, and prohibition: II. 269, 270

plaintiff's right to, restrained in action (not concerning the freehold, &c. nor for any battery) where damages under 40s II. 273

plaintiff's right to restrained in actions for slanderous words; and in actions of trespass, assault and battery, and other personal actions, unless the judge shall certify battery proved, or freehold in question, or trespass malicious, II. 273, 4

in actions on judgments, costs in discretion of the court, II. 274

in trespass, *ejectione firmæ*, or other action, wherein plaintiff might have costs, defendant shall have costs of nonsuit or verdict, II. 271

defendant's right to in replevin, (See Replevin) II. 111, 2

in trespass upon statute 5 Ric. 2. (against forcible entries) and in debt, covenant, detinue, account, trespass on the case, or upon any statute for any offence or wrong personal, II. 270, 1

defendants in error to have costs, II. 286, 8

if plaintiff do not declare in 3 days after bail to process of K. B. or be nonsuited or discontinue, &c. after declaration, defendant to have costs, II. 271

of nonsuit, if declaration not filed in the next term after appearance entered by attorney, II. 200

of judgment upon demurer, II. 272

in actions of trespass, assault, (false imprisonment or *ejectione firmæ*) against several defendants, any one acquitted to have costs, unless judge certifies reasonable cause for joining such defendant, II. 272

of judgment as in case of a nonsuit, where plaintiff does not bring issue to trial according to course of court, II. 256

plaintiff suing to the king's use shall not pay costs, II. 275

See ACCUSATION, EQUITY, ERROR, JUSTICES OF PEACE, OFFICERS, PAUPERS, PROCTORS, &c.

COTTON. See APPRENTICES, LARCENY, MISCHIEF.**COUNSEL.** See BARRISTER, TREASON.

COUNTERFEITING. See COIN, FALSE PRETENCES, FORGERY, TREASON.

COUNTIES,

constables appointed for districted counties as well as others, *Ad. II.* 46

an extraordinary establishment of police in counties or parts of counties proclaimed as disturbed : and a chief magistrate, clerk, chief and sub-constables appointed, *Ad. II.* 47, &c. 52, &c.

power, &c. of such chief magistrates, what oath to take, and before whom, and where they shall reside, *Ad. II.* 48. 51, 2, 3

expenses of such extraordinary police how defrayed, *Ad. II.* 50, 1

See ASSISTANT BARRISTER, CONSTABLES, INSURRECTIONS, WATCH AND WARD, &c.

COUNTY CLERK,

penalty for acting as such, or as sub-sheriff, sheriff's clerk, &c. a second time in same county for 3 years, *I.* 219

penalty for acting as county clerk, &c. in trust for any person who has been sworn clerk, &c. of same county within 3 years before ; and for high sheriff so nominating such county clerk, *I.* 220

COUNTY COURT,

sheriffs may hold pleas of trespass of any value above 40s.; affidavit required ; attornies appointed ; essoins restrained, *II.* 35

abuses of sheriffs, &c. in entering plaints restrained : plaintiffs to be present in person or by attorney, and to find pledges, *II.* 36

bailiffs of hundreds punishable for not executing precepts, *II.* 36

these courts to be kept every month, and not longer deferred, *II.* 36

in Ireland these courts restrained from holding plea in any action, except replevin : and sheriffs prohibited to appoint barony clerks, who used to hold such courts, *II.* 36, 7

COURTS INFERIOR,

penalty for attaching, within liberties, persons, &c. for contracts or trespasses not made or done within the same, *II.* 60

in Ireland affidavit required of cause arising within jurisdiction, *II.* 60

jurors how fined for not attending inferior courts of record, *II.* 60

where person, &c. of the defendant cannot be found within inferior jurisdiction, record of judgment removed, and execution thereupon by superior court, *II.* 61

statutes of amendment and jeofailes extended to, *II.* 289, 290. 329

term of imprisonment by, for debts under 20s. or 40s. limited : how enlarged in cases of fraud, *II.* 62

COURTS INFERIOR *continued.*

process of such courts not to issue against person and goods, II. 63

qualification of commissioners, constituting courts for recovery of small debts, II. 63

See ASSISTANT BARRISTER, HABEAS CORPUS, MANOR COURTS.

COURT LEET,

proceedings of, to be in English, II. 228

sheriffs tourn or leet to be held twice in the year, II. 1122

bishops, peers, &c. exempted from attending except specially, II. 1122

what jurors returned, &c. upon inquisitions in said court, II. 1122

inquests to be taken by 12 men, who shall put their seals thereto, II. 1122

prohibited from holding pleas of the crown, II. 1123

what matters presentable by jury of, *Ad.* I. 135

indictments taken by indenture : one part to remain with jurors, the other with the steward, to be delivered to the justices, &c. II. 1123

sheriffs to deliver the indictments or presentments found before them at their tourns or law days to the justices at sessions, II. 1123

in Ireland courts leet and county courts to be held at a central and convenient part of the barony, &c. II. 1124

COURT MILITARY,

constable and marshal exceeding jurisdiction, enjoined by writ of privy seal, II. 57

COURTS. See the several courts under their respective heads.

COURT HAND,

no patents or proceedings in courts of justice to be in, II. 228

COURT HOUSES. See ASSIZES.

COUSINAGE. See ASSIZE WRIT OF

COVENANT. See AGREEMENT, ASSIGNEES, &c.

COVENTRY ACT. See MAIMING.

COYTING. See GAMING.

CREST. See RECEIVERS.

CROMABOO. See MAINTENANCE.

CROWN CLERK. See CLERK OF THE PEACE, FEES, &c.

CROWN RENTS,

origin of in Ireland, I. 176

CROWN AND CROWN LANDS. See KING, TREASON.

CUI IN VITA. See ENTRY.

CURATE,

appointed by bishop in case of beneficed person's absence for more than 3 months in the year, or if clerk, &c. of curate not notified within 3 months, *Ad.* II. 112

shall not reside above 5 miles from church unless specially licensed, II. 112

bishop may appoint one, if beneficed person shall not per-

CURATE *continued.*

form his duties, or nominate one upon requisition of bishop, *Ad. II. 113.*

statement of particulars respecting application for license for curate to be made before license granted, *Ad. II. 114.*

bishop shall appoint salaries and decide differences between rectors and curates touching payment, &c. *II. 114*

salaries to be in proportion to the population and value of benefices, *Ad. II. 115, 6*

smaller salaries may be allowed under special circumstances, *Ad. II. 117.*

what salary assigned to curate or curates of incumbent of 2 or more benefices, *Ad. II. 117*

no spiritual person to serve more than 2 churches, &c. in one day, unless specially licensed, *Ad. II. 118.*

what salary where beneficed person or curate serves as curate of another parish, *Ad. II. 118*

agreements in derogation of these provisions, void : and full amount of salary enforced with treble costs, *Ad. II. 119*

salary how far liable to legal charge of benefice, repairs, &c. *Ad. II. 119*

bishop may allot parsonage house, &c. for residence of, where incumbent does not reside 4 months in the year ; and how far liable to taxes, &c. in such case, and when bound to give up possession, *Ad. II. 120, 1*

what notice required of curate's quitting his curacy, *Ad. II. 121*

bishop may license curate employed without nomination, or revoke any license, &c. : appeal to archbishop, *Ad. II. 121, 2*

licenses and revocations to be registered, &c. and copies transmitted to churchwardens, *Ad. II. 122*

archbishops, in their own peculiar dioceses, to have the powers of bishops, *Ad. II. 122*

in Ireland bishop may appoint salary not exceeding £75. exclusive of parsonage house, &c. or £15. in lieu thereof ; and decide differences between rector and curate in respect thereto, *I. 349*

bishop may revoke grant of house, or license of curate, *I. 349. 350*

one curate only for episcopal unions, unless above 3 miles in extent, *I. 350*

See ECCLESIASTICAL PERSONS.

CURES PERPETUAL,

curacies augmented, and chapels of ease erected in Ireland, under several statutes, declared to be perpetual cures, *I. 350*

cures appropriate to deaneries and other dignities, or to bishopricks, also declared to be such : what consent required, *351, 2*

- CURSING AND SWEARING,**
 penalties for, according to rank of offenders, II. 440-3
 duties of constables and magistrates; and how enforced,
 II. 440 to 444
- CURTESY,** tenant by
 this estate how established in England and Ireland, I.
 461-2
- CUSTOMS**
 origin of these duties, and principal statutes respecting,
 I. 192, &c. *Ad.* I. 12. *Ad.* II. 36
 import excise consolidated with duties of customs, I. 195
 commissioners of customs and excise, II. 1129. *Ad.* I.
 136
- CUSTOMS BARBAROUS**
 working horses by the tail; pulling wool from living
 sheep, and burning corn in the straw, prohibited, II.
 763
- CUSTOS ROTULORUM**
 in England appointed by chancellor, II. 1119. *Ad.* I. 135
 to appoint clerk of the peace but not to sell the office,
 II. 1120-1
 See CLERKS IN CHANCERY, MILITIA.
- CUTTING.** See MAIMING, MISCHIEF.
- CYPHER.** See RECEIVERS.
- DAGGER.** See ARMS.
- DAMAGE CLEAR**
 fee of, abolished; penalty for demanding it, *Ad.* I. 78
- DAMAGE FEASANT.** See TRESPASS.
- DAMAGED GOODS.** See SALVAGE.
- DAMAGES.** See ACCIDENTAL FIRE, ASSEMBLIES, COSTS,
 ERROR, MISCHIEF, &c.
- DAYS IN BANK.** See RETURN DAYS.
- DARREIN PRESENTMENT.** See ADVOWSON.
- DEACON.** See ECCLESIASTICAL PERSONS.
- DEAN.** See ECCLESIASTICAL PERSON.
- DEATH.** See ABATEMENT, ABSENCE, APPORTIONMENT,
 TRIAL.
- DEBATES.** See ASSEMBLIES, &c.
- DE BENE ESSE.** See EQUITY.
- DEBENTURES.** See FORGERY, LARCENY.
- DEBT.** See ASSETS, INFERIOR COURT, KING, PLEADING,
 RENT, &c.
- DEBTOR.** See ESCAPES, EXECUTION, INSOLVENT, PRI-
 SONER.
- DECEIPT**
 this ancient writ given in what cases by statute, II. 214.
Ad. I. 64
- DECLARATION**
 against errors of popery, I. 140
 against transubstantiation, I. 292
 to be made by quakers, II. 389. 563
 substituted for subscription to 39 articles, II. 392
 See PLEADING, PRISONERS.

DECREE. See ASSISTANT BARRISTER, EQUITY, SUNDAY.

DE DONIS STATUTE. See ESTATE.

DEEDS. See CONVEYANCES, FORGERY, REGISTRY.

DEER. See GAME.

DEFACING. See RECEIVER.

DEFAMATION. See ECCLESIASTICAL COURTS, SLANDER.

DEFECTIVE TITLES. See PATENTS.

DEFENCE OF THE REALM

outline of the statutes authorizing the training and embodying of men for this purpose in England and Ireland, I. 373, &c.

DEFENDING POPE'S JURISDICTION. See PRÆMUNIRE.

DEFORCEMENT

writ of *quod ei deforcent* given to tenants for term of life, &c. to recover land lost by default, &c. II. 131, &c.

DELAYS OF JUSTICE. See LIBERTIES and RIGHTS.

DELEGATES. See ECCLESIASTICAL COURTS, ADMIRALTY, ASSEMBLIES.

DEMAND OF MONEY, &c. See ASSAULT, EJECTMENT, EQUITY.

DEMESNES. See CROWN LANDS, ECCLESIASTICAL PERSONS, LEASES.

DEMISE OF THE KING. See ABATEMENT, OFFICES, PARLIAMENT, PRIVY COUNCIL.

DEMISE PAROL. See AGREEMENT, ASSIGNMENT.

DEMOLISHING. See MISCHIEF.

DEMURRER

for defect of form causes specially assigned; or court may amend, except in criminal cases, or penal actions, II. 227

what errors grounds only of special demurrer, II. 227-8
See COSTS.

DENIZENS

what customs, &c. liable to, I. 305
excluded from parliament, privy council, and offices, &c. I. 305, 6

DEODANDS. See CORONER.

DEPARTING THE REALM

an act of bankruptcy, I. 615

DEPRAVING. See BOOK OF COMMON PRAYER, SACRAMENT.

DESCENT. See ALIENS, ASSETS, ENTRY, ESCHEAT.

DESERTED CHILDREN. See CHILDREN.

DESERTION

of soldiers, and marine forces on shore, how punished, I. 385. II. 520

deserters may be sentenced by courts martial to transportation instead of corporal or capital punishment, *Ad.* II. 163

DESERTION, continued.

penalty for persuading soldiers to desert, II. 546. *Ad.* II. 370

See SEDUCING KING'S SOLDIERS.

DETAINDER. See ENTRY FORCIBLE, PRISONER.

DETINUE. See PLEADING.

DEVASTAVIT. See EXECUTORS.

DEVISES

estates in fee simple may be devised, except to corporations, or females covert or other disabled persons. I. 581

of lands to be in writing attested by 3 witnesses, I. 581

to be revoked by other writing attested by 3 witnesses, or by burning, cancelling, &c. I. 581

devisees may be witnesses, but devises to them void, I. 582

creditors whose debts are charged competent witnesses, I. 582

in Ireland persons examined as witnesses, and afterwards accepting payment of legacies, and those paying, &c. how punished, I. 582

by persons seised in fee simple, &c. fraudulent against creditors by bond, &c. and heir and devisee may be sued thereon, I. 583-4

but devisees, &c. for payment of debts, or for childrens' portions, or in pursuance of contract upon or before marriage, good, I. 583

See ASSETS.

DICE. See GAMING.

DIET

public restrained, &c. except on festivals, II. 791

DIGNITIES. See ECCLESIASTICAL PERSONS.

DILAPIDATIONS

conveyances of goods by ecclesiastical persons to defeat successors of their remedy for, avoided, II. 84, 5

money recovered for, employed in repairs within 2 years, II. 84, 5

in Ireland remedy for, in ecclesiastical court, or by action of debt, II. 85

money recovered to be laid out in repairs within 6 months, II. 85

conveyances, bequests, &c. without full consideration, to defeat successor, void, II. 85

commissioners how appointed for viewing them; their oath and duty, II. 85, 6

archbishops, &c. to issue monitions for their repair, II. 86-7

bishop changing scite of mansion house, &c. with consent, &c. not chargeable with dilapidation in respect of the old one, II. 87-8

DILATORY PLEAS. See ABATEMENT.

DIRECTION - POST. See MISCHIEF.

DIRKS, See ARMS.

DISABLING STATUTES. See ECCLESIASTICAL PERSONS.

DISCLAIMER. See TRESPASS.

DISCONTINUANCE OF ACTION, &c. See ABATEMENT, JUSTICES OF PEACE.

DISCONTINUANCE OF ESTATE. See ASSIZE, WARRANTY.

DISCOVERY, BILL OF. See CATHOLICS, GAMING, QUARE IMPEDIT.

DISFIGURING PERSONS. See MAIMING.

DISGUISE. See ASSEMBLIES, ESCAPE, GAME.

DISMISS. See EQUITY

DISORDERLY HOUSES. See ASSEMBLIES.

DISORDERLY PERSONS. See VAGABONDS.

DISPENSARIES

established in parts of counties remote from county infirmaries, and supported by grand jury presentments and subscriptions, I. 288

DISPENSATIONS

fees upon, how distributed, I. 174

powers of granting used by the pope, exercised in England and Ireland, I. 317-8

DISPENSING WITH LAWS. See LIBERTIES and RIGHTS.

DISSEISIN. See ASSIZE, ENTRY.

DISSENTERS

who scruple to take oaths, may execute inferior offices by deputy, I. 296

exempted from juries, parochial offices, &c. II. 389. 394
may hold offices in Ireland without taking sacrament, if protestants, I. 297

quakers and seceders disabled to hold offices, I. 297

may appoint or be appointed guardians, I. 419

taking the oaths of allegiance and supremacy, and subscribing the declaration against popery, exempt from the penalties of recusancy and non-conformity, II. 387, 8

their assemblies for religious worship not to be with doors locked, &c. II. 388. 393. *Ad.* II. 332

not liable to penalties for preaching, &c. if they take the oaths, &c. and subscribe the 39 articles, except certain parts thereof, II. 388

penalties for their refusing to take the oath, &c. of allegiance, &c. II. 389

quakers to make, &c. declaration of allegiance and abjuration, and profession of christian belief, in England. and of allegiance and abjuration against popery, in Ireland, II. 389-395

what proof of being protestant dissenters required before making, &c. declaration of fidelity, &c. II. 390

persons maliciously disturbing congregation of dissenters, or misusing preacher, how punished, II. 391.4. *Ad.* II. 332

DISSENTERS, continued

their places of meeting to be certified and recorded, II. 391-5

oaths, &c. may be taken, &c. during prosecution for non-conformity, II. 391-5

penalty on mayors, &c. attending their places of worship with the ensigns of office, II. 392

declaration substituted for the subscription of protestant dissenting ministers to 39 articles, II. 392. *Ad.* II. 334

their exemption from serving in the militia, II. 392. *Ad.* II. 334

allowed to instruct youth except as masters of colleges or endowed schools, II. 393.

assemblies of more than 20 persons for religious worship not permitted unless in place duly certified and registered, *Ad.* II. 328-9. 334

penalty for suffering meeting in uncertified places, *Ad.* II. 329-334

penalty for teaching or preaching in any place without consent of occupier, *Ad.* II. 329. 334

what oaths preachers, &c. are to take at request of justices, *Ad.* II. 330. 334

preachers, &c. not to follow any other business, (except that of schoolmaster); and upon taking the oaths, &c. exempt from civil and military services; and penalty for producing false certificate of taking oaths, &c. *Ad.* II. 330. 334

analogous laws in Ireland respecting dissenters, II. 389 to 398. *Ad.* II. 334

English acts respecting freedom of religious worship extended to Ireland, *Ad.* II. 334

DISTRESS

beasts of the plough and sheep how far exempt from, II. 1

corn in sheaves or loose, or hay in a barn, &c. distrainable, and kept where found till replevied or sold, II. 1, 2

corn, grass, hops, roots, &c. growing may be distrained, cut, &c.; and removed from premises if no barn, &c. thereon, II. 2. *Ad.* II. 215

rents seck, of assize, and chief rents, may be distrained for, II. 2

not to be driven out of county, nor above 3 miles; nor impounded in several places; and poundage fees limited, II. 3. *Ad.* I. 56

appraisement and sale of, how, when and where, II. 3, 4, 5

for rent may be upon common appendant, &c. II. 5

what remedies for pound-breach or rescue, II. 5, 6

if fraudulently conveyed away, may be taken any where, and when, II. 7

penalties for fraudulent removal, and how recovered, II. 8-9

DISTRESS, continued.

houses, &c. may be broke open in search of, if fraudulently removed, II. 9

where irregular, tender of amends before action a bar, II. 9-10

pleading and costs in actions of trespass or case against landlord, &c. in respect of any distress, &c. II. 9. 10. 11

distraining for services, &c. not due, or without authority, how restrained by ancient statutes, II. 10-11

distress to be reasonable; in proper places; for just cause; by bailiffs sworn, II. 11

double damages and costs against wrongful distrainer, II. 11. 112

where rent distrained for does not exceed £20. costs and charges how limited, and what punishment for extortion, *Ad.* II. 216, &c.

remedy for occupying tenant (not being in arrear) against his immediate landlord, where distrained for rent due to superior landlord, *Ad.* II. 216-7

notes of bank of England or Ireland a good tender in cases of distress or poinding for rent, *Ad.* II. 514

penalty for distress made on pretence of heriot due, II. 11

See REPLEVIN, &c.

DISTRIBUTION. See ADMINISTRATION.

DISTRICTED COUNTIES. See CONSTABLES.

DISTRINGAS. See JURIES, PRIVILEGED PERSONS.

DISTURBANCE OF COMMON

process in writ of admeasurement of pasture, II. 125

where common surcharged a second time, writ *de supero-neratione pasturæ*: what judgment therein, II. 159

usurpers of common shall not have writ of *novel disseisin* if deforced: treble damages given in assize of *novel disseisin* of common of pasture, I. 439. II. 160

DISTURBANCE OF PATRONAGE See ADVOWSON.

DISTURBANCE OF WORSHIP. See DISSENTERS, CATHOLICS.

DISTURBED COUNTIES. See CONSTABLES, INSURRECTIONS, WATCH and WARD.

DIVIDEND WARRANT. See FORGERY, LARCENY.

DIVINE SERVICE. See BOOK OF COMMON PRAYER, DISSENTERS, RECUSANTS,

DOCKET. See JUDGMENT.

DOCK YARDS. See KING'S ARMOUR OR STORES.

DOCTOR. See ECCLESIASTICAL COURTS.

DOGS. See GAME, LARCENY.

DOLLARS. See BANK OF ENGLAND AND IRELAND.

DONATIVES. See BISHOPS, ECCLESIASTICAL PERSONS.

DOWER,

women endowed of a third part of their husbands' land, I. 452

land assigned for dower recovered if aliened, I. 462

wife forfeits by committing adultery, I. 462

DOWER *continued.*

- estate limited before marriage for jointure of wife, a bar, I. 463
- jointress if evicted out of part of jointure lands may claim dower to the like amount, I. 463
- remedy for where lands recovered by covin, default, &c. II. 131, &c.
- days given in writ of dower, II. 183, 4, 5
- writ shall not abate by plea that she hath received dower of another, *Ad.* I. 66
- penalty for deforcement of, *Ad.* I. 66
- in England widows of traitors barred of dower, II. 1243

DOWN SURVEY,

- of forfeited estates history of, I. 179

DRAINS. See ASSEMBLIES, BOG, FISH.

DRAPERY. See MISCHIEF.

DRAUGHTS. See GAMING.

DROVERS. See BANKRUPT, SUNDAY.

DRUNKENNESS,

- penalty for inn-keepers, &c. permitting tippling in their houses, except travellers, &c. or at dinner time, II. 458, 9
- penalty on persons convicted of drunkenness, &c. II. 459, 460
- vintners and other victuallers within the statutes, II. 461

DUCK. See GAME.

DWELLING-HOUSE. See ACCIDENT, BURNING, LARCENY, MISCHIEF.

DYES. See COIN, FORGERY, TREASON.

EAR. See MAIMING.

EARNEST. See AGREEMENT.

ECCLESIASTICAL PERSONS,

- at what ages admitted to deacons' or priests' orders, I. 322
- articles of religion to be subscribed, &c. previous to admission to benefices with cure : and also read in churches within 2 months after induction, I. 323
- testimonial of honest life, and belief in the articles, &c. to be produced to bishop before ordination, I. 323
- examination of parson belongs to spiritual judge, *Ad.* I. 19
- none admitted to benefices above £30. in queen's books, unless bachelors of divinity, or preachers allowed by bishop or one of the universities, I. 323
- none admitted to benefices, or to administer the sacrament, until ordained priests according to the book of common prayer, I. 324
- the service in book of common prayer to be read in 2 months after induction, and assent and consent thereto declared, I. 324
- declaration of conformity to liturgy required to be subscribed, and by whom ; and certificate and declaration publicly read in church, I. 324, 5
- oaths of allegiance and supremacy to be taken, I. 326

ECCLESIASTICAL PERSONS, *continued*

- in Ireland oath at ordination to learn and teach English language, and keep a school for the purpose, *Ad. I. 20*
- what shall be evidence of induction and other qualifications, *Ad. I. 19, 20*
- upon appropriation of benefices vicars endowed to do divine service, to inform the people, and to keep hospitality, *I. 318, 9*
- origin of lay impropriations or secular parsonages, *I. 319*
- vicarages erected on the dissolution of monasteries in Ireland, *I. 320.*
- augmentation of small vicarages and curacies not exceeding a moiety of yearly value of rectories impropriate, allowed, &c. *I. 320, 1*
- in Ireland impropriators empowered to grant glebe lands, tithes, &c. for the augmentation or establishment of parsonages or vicarages, *I. 321*
- bishops, &c. and deans and chapters, also empowered to endow vicarages or curacies in their impropriate parishes with glebe or tithes, or both, *I. 321, 2*
- impropriate rectories forfeited vested for augmentation of small rectories and vicarages, *I. 322*
- not to farm above 80 acres without consent of bishop, *Ad. II. 89*
- penalty for farming above that number of acres, or carrying on any trade or dealing for gain, *Ad. II. 90*
- exception as to spiritual persons buying or selling in relation to the management of schools, or their own households, or farms legally held, *Ad. II. 90, 1*
- what penalties for absence above three months in the year from benefices, *Ad. II. 91*
- what shall be deemed sufficient residence, *Ad. I. 92*
- what persons exempted from penalties of non-residence *Ad. II. 93*
- what shall be deemed residence by dignitaries of cathedral churches, *Ad. II. 95*
- house to be kept in repair during non-residence or penalties incurred, *Ad. II. 95, 6*
- in what cases bishops may grant licenses for non-residence *Ad. II. 96, 7*
- appeal to archbishop if license refused, *Ad. II. 98*
- bishops may in cases not specially provided for, grant licenses and assign salaries to curates, *Ad. II. 98, 9*
- licenses not void by death of bishop unless revoked by successor, *Ad. II. 99*
- applications for licenses shall be in writing, and state what particulars, *Ad. II. 99*
- licenses how granted while see is vacant, &c. ; how long in force ; may be revoked, subject to appeal to archbishop, *Ad. II. 100*
- licenses or revocations how registered, transmitted to churchwardens, and read at visitations, *Ad. II. 100, 1*
- a list of special licenses annually transmitted to king or council who may revoke them, *Ad. II. 101*

ECCLESIASTICAL PERSONS, *continued.*

- annual returns to be made to king in council of residents and non-residents, and of curates, and of the value of the benefices, &c. which they serve, *Ad. II. 102*
- non-residents without license shall notify yearly to bishops the nature of their claims to exemption, *Ad. II. 102, 3*
- proceeding in ecclesiastical court where residence does not exceed 3 months, *Ad. II. 103*
- monitions issued by bishops for non-residence how enforced, *Ad. II. 103, 4*
- appeal against sequestration to archbishop, *Ad. II. 105*
- persons complying with monition to pay costs : *Ad. II. 106*
- if persons returning to residence after monition, &c. again absent themselves within 6 months, profits sequestered without monition, *Ad. II. 106*
- proceeding for past non-residence as for non-compliance with order of residence, *Ad. II. 106*
- penalties may be remitted by archbishops or bishops, but reasons transmitted by bishops to archbishops, by archbishops to king in council, *Ad. II. 107*
- person continuing under sequestration 2 years, or incurring 3 sequestrations within 2 years, forfeits benefice, *Ad. II. 107*
- contracts for letting houses of residence, &c. void, and possession how recovered, &c. *Ad. II. 107, 8*
- spiritual person not liable to penalty while tenant occupies, &c. *Ad. II. 108*
- no oath required to be taken by vicar respecting residence, *Ad. II. 108*
- penalties not recoverable for more than one year's non-residence, *Ad. II. 109*
- commencement of year and computation of months, *Ad. II. 109*
- penalties when and how recovered by action, *Ad. II. 109, 110*
- court may require bishop to certify value of benefice, *Ad. II. 110*
- license for non-residence, or issuing of monition, pleaded in bar of action, *Ad. II. 110, 1*
- no penalty levied against the person where it can be recovered by sequestration within 3 years, *Ad. II. 111*
- archbishops in their own peculiar dioceses to have the powers of bishops, *Ad. II. 122*
- term "benefice," defined : proviso as to benefices exempt or peculiar, *Ad. II. 122, 3, 4*
- mode of proceeding upon monitions, *Ad. II. 123*
- other penalties recovered by monition and sequestration as well as for non-residence, *Ad. II. 123, 4*
- king may grant dispensation for non-residence, *Ad. II. 124*
- bishops exempt from penalties, but to appoint curates to benefices *in commendam*, *Ad. II. 124*

ECCLESIASTICAL PERSONS, *continued.*

- analogous provisions in respect to the residence of clergy in Ireland, *Ad. II.* 125 to 132
- incumbents empowered to raise money at interest for the building, rebuilding, or repairing glebes, and to mortgage glebes, tithes, &c. *I.* 332
- ordinary empowered in default of incumbent; and ordinary, patron, and incumbent, may purchase convenient houses and portions of land for residence of incumbent, by sale or exchange of part of glebe or tithes, *I.* 332
- governors of queen Anne's bounty empowered to lend money, or apply money appropriated for augmentation of small livings, *I.* 332. *Ad. I.* 22
- incumbents empowered to exchange their glebe houses, &c. for others of greater value, or more conveniently situated, *Ad. II.* 132, 3
- no more than 30 acres of glebe land to be exchanged, *Ad. II.* 133, 4
- no incumbent evicted out of premises granted in exchange for defect of title in grantor; what remedy for person claiming title, *Ad. II.* 134, 5
- parsons, &c. empowered to annex to their benefices as glebe lands, &c. part of manors appurtenant to such benefices, *Ad. II.* 135
- if there be no glebe house, or it be inconvenient, &c. any owner in fee simple, &c. may convey to incumbent, &c. any messuages, &c. for the purpose: former parsonage house how disposed of, *Ad. II.* 136
- where no glebe, or not exceeding 5 acres, parsons, &c. may purchase 20 acres of glebe, &c. and borrow, &c. certified value, upon mortgage of tithes, &c. *Ad. II.* 137
- payment of mortgage debt how enforced; apportionment thereof between incumbent borrowing and his successor, *Ad. II.* 138, 9
- governors of queen Anne's bounty and universities, &c. may lend money, and universities, &c. if patrons, *Ad. II.* 139
- patrons and bishops to execute deeds of exchange, &c. *Ad. II.* 140
- owners of lands, &c. or their trustees, &c. may, with consent of bishop and patron, convey to parsons, &c. lands, &c. for glebe, &c. in exchange for any parsonage house, &c. or sell 20 acres for the purpose, *Ad. II.* 140, 1
- in cases of sales by corporations, infants, &c. purchase money applied under the direction of the court of chancery, *Ad. II.* 141
- no more than 5 acres to be granted, except by way of exchange, where owner an infant, &c. *Ad. II.* 142
- what notices, surveys and commissions of inquiry as to value, required previous to such sales or exchanges, *Ad. II.* 142, 3

ECCLESIASTICAL PERSONS *continued.*

- where patron a minor, guardian, &c. may execute deeds, *Ad. II.* 144
- where patronage is in the crown, deed how executed, *Ad. II.* 144
- timber cut on glebe lands, &c. applied towards the exchange or purchase of glebe houses, &c. *Ad. II.* 146
- expenses of building glebe houses, &c. in Ireland how apportioned between person building, &c. and his successors, *I.* 333
- certificate required for ascertaining expenses, how obtained, *I.* 333, 4, 5
- apportionment, how recovered, *I.* 333, 4
- commissioners appointed for viewing improvements, *I.* 335
- apportionment recoverable, though predecessor has not paid the whole of his proportion; or though work not completed, *I.* 335, 6, 7,
- apportionment when payable for buildings on old or new scites, *I.* 337, 8
- rectors, &c. compellable by bishops to build glebe-houses, *I.* 339
- trustees of first fruits empowered to lend money; and parliamentary grant of £50,000. applied for these purposes, *I.* 340, &c.
- purchases, exchanges, and endowments of glebes legalized, *I.* 344, &c. *Ad. II.* 146, &c.
- what consent required for exchanges of glebes, *I.* 346. *Ad. II.* 147
- value of lands granted, exchanged, &c. how ascertained, *I.* 345. *Ad. II.* 147
- not lawful to alien, demise, &c. glebe, for more than one year, *I.* 346
- all conveyances, leases, &c. by ecclesiastical persons, masters and fellows of colleges, or masters or guardians of hospitals, &c. other than for 21 years or 3 lives, and reserving the old rent, void, *I.* 522
- proviso as to private statutes of colleges, surrender of leases, or special covenants therein, *I.* 523
- what leases, &c. may be granted of houses, &c. in towns, &c. *I.* 523
- upon leases by colleges, &c. one-third part of rent reserved in corn, *I.* 523, 4
- what deemed ancient rents where there are separate demises of several parts, *I.* 524, 5. 530
- stipends, &c. how reserved where leases made of several parts, *I.* 526
- crown lands granted for glebes, &c. churches, &c. *Ad. I.* 22
- surrender for purpose of granting several leases, how valid, *I.* 526, 7
- in Ireland their leases not to exceed 21 years, and rent accustomedly payable for the last 20 years to be reserved, *I.* 527, 8. 530

ECCLESIASTICAL PERSONS *continued.*

- proviso as to leases for building fortresses, &c. or upon
surrender of fee farms or long leases, I. 528
- what leases may be executed of houses or grounds in ci-
ties, &c. I. 528, 9
- surrenders may be accepted and new leases executed, if
accustomed rent reserved, I. 529, 530
- leases, &c. by beneficers having cure of souls avoided by
non-residence, and bonds, &c. for upholding such
grants, void, *Qu.?* I. 530, 1
- in England leases of tithes, &c. of same validity as of
lands, &c. I. 521
- in Ireland leases of tithes for longer time than during in-
cumbency restrained; and under leases void, I. 531, 2
- demesnes not exceeding 250 acres allocated for bishops
and archbishops; and residue of demesne lands may
be set; and for what terms, I. 533, 4, &c.
- benefices in what cases void, I. 346, 7
- what persons may obtain dispensations for pluralities, I.
347
- act of pluralities how far in force in Ireland, *Qu.?* I. 348
- parson having benefice, &c. in England or Wales, incapa-
ble of holding one in Ireland, I. 348
- See CHURCH, CURATE, DILAPIDATIONS, KING, TITHES,
&c.

ECCLESIASTICAL COURTS AND JURISDICTION,

- all causes determinable by any spiritual jurisdiction ad-
judged within the king's jurisdiction, notwithstanding
foreign citations, &c. II. 51
- in what courts appeals shall be sued, &c. II. 52
- in Ireland upon appeal from archbishop's court to king in
chancery, delegates appointed, II. 53
- doctors of civil law may exercise ecclesiastical jurisdic-
tion, though laymen and married, II. 53
- catholics disabled to practise as advocates or proctors,
Qu.? II. 53
- in what cases persons may be cited out of the dioceses,
&c. where they are inhabiting, II. 88
- in what cases spiritual and temporal courts concurrent,
Ad. I. 63
- writ *de excommunicato capiendo*, how awarded and execut-
ed, II. 89. &c.
- in cases of contempts, &c. writ *de contumace capiendo*,
substituted for excommunication, *Ad.* II. 230
- persons disobeying definitive sentences or interlocutory
decrees, may be excommunicated, *Ad.* II. 231
- no civil penalty, &c. incurred by excommunication, but
party imprisoned for time not exceeding 6 months, *Ad.*
II. 231
- form of writs of *significavit* and *de contumace capiendo*, *Ad.*
II. 232
- no person exercising ecclesiastical jurisdiction to ten-
der the oath *ex officio*, or other such oath, II. 1126

ECCLESIASTICAL COURTS, &c. *continued.*

limitation for causes of defamation, and for suits for fornication, &c. or for striking or brawling in church, &c. II. 1126

limitation in Ireland for citations *ex mero officio*: ecclesiastical judge to examine upon oath into the grounds for such citations: and also into the grounds of presentments of crimes before issuing of citations, : promoter failing to pay double costs, II. 1127-8

causes of defamation may be tried in a summary way, II. 1128

bishops may imprison priests, &c. for fleshly incontinency, *Ad. I.* 136

See CANONS, CONSULTATION, HERESY, PRÆMUNIRE, PROHIBITION.

EDUCATION. See CATHOLICS. SCHOOLS.

EELS. See FISH.

EGGS. See GAME.

EGYPTIANS OR GYPSIES

such persons using no craft or merchandize, but telling fortunes, &c. coming into the realm, how punished, II. 755-6

penalty for bringing them into the realm, or suing for licenses for them, II. 756

EJECTMENT

tenants not giving notice to landlords, &c. of ejectments delivered to them, forfeit 3 years' rent, &c. II. 135

landlord may take defence notwithstanding judgment against casual ejector, or join with tenants, II. 136

where half a years rent due ["more than half a years" in Ireland] and no sufficient distress, and power to re-enter, service of declaration or summons equivalent to demand and re-entry, II. 136

if a year's rent due ejectment as if no distress, II. 139. 140

if distress rescued ejectment as if no distress, II. 139, 140

notice of ejectment being for non-payment of rent required, II. 140-1

affidavit of service of ejectment, and what evidence of title, required, II. 140-1

brought upon any article in writing ascertaining rent, though no clause of re-entry or actual demise therein: and what evidence thereof sufficient, II. 141-2-3

proceeding where no tenant in actual possession, &c. II. 136

in Ireland proceeding where tenant absconds, II. 138

tenant obtaining verdict, &c. shall have full costs, II. 137-140

if rent and costs paid or tendered before trial, proceedings stayed, II. 138

rent ascertained upon judgment by default or verdict, II. 139

tenant barred though no demand of the rent ascertained by affidavit, &c. II. 138

EJECTMENT, continued.

proceeding for lessee or mortgagee, &c. to redeem after execution, II. 137-140-1

effect of decree for redemption, II. 137-8

proceeding in Ireland to redeem by tenant or mortgagee, II. 137-140-1

other remedies for arrears of rent to the time of execution, saved, II. 143

the clauses of ejectment statutes which saved the rights of minors, &c. repealed, *Ad.* II. 243

See **ERROR, INJUNCTION, RENTS, TITHES.**

ELECTION, See BISHOPS, CORPORATION, PARLIAMENT.

ELEGIT

writ of, for delivery of goods, and moiety of lands, of debtors, II. 309

tenant by, restored by writ of *novel disseisin*, &c. II. 309

fees on, &c. See **EXECUTION.**

EMBASSADOR. See AMBASSADOR.

EMBEZZLEMENT. See KING'S STORES, LARCENY, RECORDS.

EMBLEMENTS

incumbents may bequeath crops upon glebe lands, I. 458.

widows may bequeath crops on their dowry lands and others, *Ad.* I. 41

EMBRACERY

penalty for corruption of jurors; and how enforced, II. 611-2. 617

statutes against proclaimed; adopted in Ireland, II. 602

EBNALING STATUTES. See LEASES.

ENCHANTMENT. See WITCHCRAFT.

ENGINE. See ASSEMBLIES, MISCHIEF.

ENGLAND. See ESCAPE.

ENGLISH LANGUAGE

ecclesiastical persons to learn and teach it, *Ad.* I. 20

all process, pleadings, patents, &c. to be in, II. 228. I. 566

proceedings in inferior courts may be in, II. 290

all Irishmen required to speak it, II. 792

ENGLISH STATUTES

several adopted in Ireland, Preface, vii to xii

ENGLISH SURNAMES

Irish people required to take, II. 792

ENGRAVING. See COPYRIGHT, FORGERY.

ENGROSSERS. See REGRATORS.

ENLISTING. See ARMY, FOREIGN SERVICE.

ENQUIRY. See INQUIRY.

ENROLMENT. See INROLMENT.

ENTICING. See FOREIGN SERVICE, SEDUCING.

ENTRY, REMEDY OF

disseisor's dying seised shall not take away entry, unless disseisor in peaceable possession 5 years before, II. 122.

ENTRY, REMEDY OF, *continued*

writ of, on seisin of ancestor, must be in 50 years : on one's own in 30 years, [or 20 in Ireland,] II. 130

to be within 20 years after title, unless in case of infancy, &c. and then within 10 years after disability removed, II. 122-3

this writ given in several cases by ancient statutes, II. 125. *Ad. I.* 64

ENTRY FORCIBLE

none shall make entry into lands without title, nor with strong hand, &c. or imprisoned, &c. II. 656

justices of peace &c. may command *posse comitatus* to assist in taking such offenders : and award precepts to sheriffs to return juries to inquire of such offences, and thereupon restore possession, II. 123. 656

proviso as to parties, &c. in possession for 3 years, II. 124

restitution of possession to tenants for years, &c. given in cases of forcible entry, &c. as to tenants of the freehold, II. 124

process and costs in actions on statute against forcible entries, II. 193. 270

justices of assize empowered to inquire of forcible entries, II. 124-5

persons forcibly taking and holding possession of house, land, &c. without the process of law, or resisting process for giving possession, liable to be transported : proceeding to have such persons proclaimed, II. 656-7

persons having right deemed in actual possession from time of resistance of process : and persons keeping possession against sheriff, &c. forfeit double value to party entitled, II. 657

See PRIVILEGE.

ENTRY UNLAWFUL See ASSEMBLIES, MISCHIEF.**EQUITY, COURTS OF**

chancellor may order estates of lunatics to be sold, &c. for payment of debts, &c. and deeds to be executed by committees, II. 332

leasing powers of lunatics executed, and leases of their estates made, by committees, under the direction of chancellor, II. 332 3

may order stock standing in the bank in the name of trustees who shall be bankrupts, lunatics, or out of their jurisdiction, &c. to be transferred, and dividends thereon paid, as shall be just : this provision extended to South Sea and East India stock, &c. ; and to petitions in matters of charity, &c. ; and dividends on the public funds, due to infant parties, may be ordered to be paid to guardians, &c. II. 345 6. *Ad. II.* 322-3

may order trust money, &c. to be paid or applied, which is subject to be invested in the purchase of estates to be settled in tail, &c. II. 346-7

may order minors, and idiots and lunatics, (or their committees) being trustees or mortgagees, to execute conveyances, II. 348

EQUITY, COURTS OF, *continued.*

may authorize infants, lunatics, and femes covert, to surrender leases in order to have the same renewed: II. 348-9

may authorize lunatics, and their guardians and committees, to accept of surrenders of old leases, and grant new leases, II. 349

may order guardians of minors, and masters in chancery, in cases of coverture, lunacy, or absence beyond sea, to execute renewals of leases. II. 350-1

no *subpœna* or process for appearance to issue till bill filed, except in cases of bills for injunctions to stay waste, or to stay suits at law, [or to quiet possessions,] II. 351

proceeding to have bill taken *pro confesso* where party does not appear to *subpœna*, and is out of the kingdom, or suspected of absconding, II. 351

if defendant brought into court by *habeas corpus*, &c. refuses to enter an appearance, court may order it to be entered for him, II. 352

copies of decrees so obtained to be served on parties, &c. and decrees within what time absolute, II. 354

provision as to decrees against persons beyond the seas, II. 353-4

decrees against trustees standing out process to a sequestration absolute in the first instance, II. 354

where trustees cannot be found, decrees against them absolute as if they were served, II. 354

where any defendant served with *subpœna* to answer stands out process to a sequestration, appearance entered, and decree thereon, II. 355

proceeding upon bills to perpetuate testimony of witnesses, where defendants stand out process to a sequestration, II. 355-6

where defendant having privilege of parliament stands out process of sequestration, appearance entered for him; and bill taken *pro confesso* for want of answer after such or other appearance; and read in evidence, II. 356

in proceeding against member of the house of commons, not necessary to leave a copy of bill at his house, &c. II. 357

answers of quakers how verified; who deemed quakers, II. 357-8

extraordinary commissioners for examining witnesses, *Ad.* II. 324

sheriff liable for escape of party in custody under a decree, II. 358

masters in chancery, or remembrancer in exchequer, may be ordered to execute deeds to purchasers in the names of parties who refuse, &c. II. 358

orders made for payment of money by chancery in En-

EQUITY, COURTS OF, *continued.*

gland, how enforced in Ireland, and *vice versa*, II. 359

chancellor may award damages to defendants unduly troubled, II. 371

full costs to be paid on dismissal of bills, II. 371

See ACCOUNTANT GENERAL, ASSETS, BANKRUPT, CHANCELLOR, CHANCERY, CHARITIES, CLERKS IN CHANCERY, INJUNCTION, MASTER OF THE ROLLS, MORTGAGES, QUARE IMPEDIT, RENEWAL, &c.

ERROR, COURTS OF

lords of united kingdom the final court of appeal, II. 43

commissioners anciently appointed to hear complaints of delays of judgments, &c. and to call before them the justices, &c. II. 42

See EXCHEQUER CHAMBER.

ERROR, WRIT OF

what misprisions of clerks and other officers amendable in records, before or after judgment, or before or after writ of error brought, II. 280-1

exception of outlawries, criminal cases, &c. II. 280-1

what errors and jeofails cured by verdict in respect of original writ, warrant of attorney, mistakes in pleading, misjoining of issue, jury process, &c. II. 281 to 286

exception of appeals, indictments, &c. and penal actions, &c. II. 282-3

statutes of jeofails extended to judgments upon *nihil dicit* or *non sum informatus*, and to all courts of record, and to all proceedings in the English forms, II. 229-285-9

judgments reversable only by attain-or error, *Ad. I.* 79

costs given to defendant in error if judgment affirmed, or writ of error discontinued, or plaintiff non-suit, II. 286. *Ad. I.* 79

if judgment affirmed after verdict, defendant in error shall have double costs, II. 287

on quashing writ of error for defect, defendant to have costs : but amendable by court where returnable, II. 288

recognizances required upon bringing writ of error in certain actions of debt ; and this provision extended to other actions after verdict and judgment, II. 286-7

where judgment in dower or *ejectione firmæ* affirmed, &c. writ issued to inquire of mesne profits, and damages by waste, II. 288

exception as to executors, &c. penal actions, (except for not setting forth tithes,) and criminal cases, II. 288

execution in ejectment for non-payment of rent not stayed by writ of error, unless rent and costs paid into court in 4 days, II. 288

what errors in fines and recoveries cured, II. 289

maintainable by him in reversion during life of tenant for life, &c. as well as after, *Ad. I.* 79

ERROR, WRIT OF, *continued*

within what time writs of error shall be brought, II. 289

what recognizance required upon writ of error to reverse judgment of inferior court, II. 290

upon appeals to general or quarter sessions defects of form in original judgment or orders amended without costs, II. 1117

See **KING'S DEBTS.**

ESCAPE OF DEBTORS.

penalty for warden of the fleet suffering prisoner in execution to escape, II. 292

suffering prisoner confined in king's bench or fleet to go beyond the rules of these prisons, an escape, II. 293

penalty for corruptly suffering such escapes, II. 293

retaking on fresh pursuit to be specially pleaded, and plea verified, II. 293

new execution may be issued against prisoner who escapes, II. 293

refusal to shew prisoner to creditor, &c. who charged him, deemed an escape, II. 294

penalty for refusing to notify whether prisoner sought to be charged with action, &c. be a prisoner or not, II. 294

warrant to apprehend prisoner escaping from king's bench or fleet prison, and proceeding thereon; may be executed on a Sunday; sheriff liable for escape of person retaken; persons retaken to be committed to the debtors' prison, *Ad. I.* 80, 1, 2

where prisoner rescued upon his removal by *habeas corpus*, sheriff when liable as for an escape, II. 294, 5

coroner liable for escape of debtor in like manner as sheriff, II. 318

no more recovered against any sheriff, &c. in action of escape, than the debt certified, with costs and damages, II. 319

assisting debtors owing £100. to escape, how punished, II. 585

See **ASSISTANT BARRISTER, EQUITY.**

ESCAPE OF FELONS, &c.

no escape fine to be levied until it be adjudged: justices of peace authorized to inquire of escapes of those imprisoned for felony, II. 583

penalty for marshals' suffering escapes, II. 583, 4

persons aiding prisoners confined for treason or felony, (except petit larceny) to attempt an escape, transported: how punished where prisoner is committed for petit larceny or a misdemeanor, II. 584, 5

conveying any disguise, instrument, or arms to prisoner, deemed to be aiding, &c. II. 585

persons assisting prisoners charged with treason or felony (except petit larceny) to escape from a constable, &c. or aiding felons ordered for transportation to escape from boats, &c. or contractor, transported, II. 585, 6

ESCAPE OF FELONS, &c. *continued*

offenders escaping from one county, &c. to another, may be apprehended in such other county, &c. upon a warrant of a justice of the proper county, &c. being indorsed by a justice of such other county, &c. : and such justice may bail offenders if bailable, II. 1137, 8
 escape warrants how executed in Scotland against offenders in England, and *vice versa* : and expenses how defrayed, II. 1139. 1140

escape warrants how executed in England or Scotland against malefactors in Ireland, and *vice versa* ; and expenses how defrayed, II. 1142, 3

offenders escaping from one part of the united kingdom to the other how bailed, II. 1144

escape warrants may be issued by judges of king's bench, &c. to apprehend offenders escaping from England into Scotland, *Ad. I.* 137

justices may bail if words "not bailable" not indorsed on warrant, II. 1145

escape warrants may be indorsed in any part of united kingdom, in manner required by 13 Geo. 3, c. 31. Eng. and 24 Geo. 2. c. 55. Eng. *Ad. II.* 469

power (formerly) given to chief governor of Ireland to transmit offenders to England, taken under warrant of judge of K. B. in England. *Ad. I.* 137

persons aiding prisoners of war to escape, transported, *Ad. II.* 363, 4

See BENEFIT OF CLERGY, BREAKING PRISON, INDICTMENT, RESCUE,

ESCHEAT,

natural born subjects may make title by descent from or through alien ancestors, if in being at the death of ancestor last seised : proviso as to descent so cast being divested in favour of sons or daughters afterwards born, I. 489

king may direct execution of trusts to which lands escheated would have been liable in the hands of the subject, or restore to the family whose estate they were, or reward persons making discovery of them, I. 489.
Ad. I. 42

See ATTAINDER, ESCHEATORS, INQUEST.

ESCHEATORS,

how appointed ; what lands they must have ; may appoint deputies ; how long to continue in office ; when re-appointed, II. 166, 7

how they shall take their inquests, and by what jurors, II. 168, 9

penalty for their committing waste, II. 170

See INQUISITIONS.

ESCUAGE. See TENURES.

ESSOINS,

in what cases only one allowed : none need swear to truth of : when tenant or demandant hath once ap-

ESSOINS, continued.

peared he shall be no more essoined : proceeding upon
essoins : in what cases they lie not, II. 187, 8. *Ad. I.*
69.

ESTATES,

of inheritance, I. 446

not of inheritance, I. 447 to 463

less than freehold, I. 464 to 469

upon condition, I. 469, 470

in possession, remainder and reversion, I. 471 to 474

in severalty, joint-tenancy, coparcenary, and common,
I. 475 to 487

See ABSENCE, ALIENATION, ALIENS, APPORTIONMENT,
ASSETS, BOG, CALENDAR, CURTESY, DOWER,
EMBLEMENTS, MEARS, MORTGAGES, OVERHOLD-
ING, PARTITION, PERPETUITIES, POSTHUMOUS CHIL-
DREN.

ESTOVERS,

none but tenants for lives renewable for ever, or those
who have planted and registered trees, entitled to, I.
441. II. 946

tenants in dower, entitled to reasonable estovers, I. 462

ESTREATS,

of fines, chattels of felons, &c. to be made by justices of
assize and gaol delivery, and delivered into the exche-
quer, II. 47

See ATTAINDER, FORFEITED RECOGNIZANCES.

ESTREPEMENT. See PRIVILEGE.**EVICTION. See EXECUTION.****EVIDENCE. See ACCOUNT-BOOKS, BANKRUPT, BARGAIN
AND SALE, COMBINATION, EXAMINATIONS, EXEM-
PLIFICATION, INFORMATIONS, RECOVERY, STATUTES,
TITHES, WITNESSES, &c.****EXACTION. See EXTORTION, TOLL.****EXAMINATIONS,**

of prisoner charged with bailable offence to be taken by
justice before bailment, as also the informations of those
who bring him ; material part put in writing ; and such
examination and bailment, and recognizances of wit-
nesses, certified to next gaol delivery, II. 1164

like proceeding where offence not bailable, II. 1165

See CORONER.

EXAMINERS. See ATTORNIES,**EXCEPTIONS. See BILL OF EXCEPTIONS.****EXCHANGE. See BILL OF EXCHANGE, ECCLESIASTICAL
PERSONS.****EXCHEQUER, COURT OF**

no pleas pleaded therein but those concerning the king
or his ministers of said court, II. 38

ordinance of king Edward III. to treasurer and barons
in Ireland, II. 38

removable by garnishment of 28 days, II. 37

mode of proceeding in this court altered, II. 198

EXCHEQUER, COURT OF, *continued*

chief baron may sit separate to hear equity causes, *Ad.*
II. 221

See EQUITY, &c.

EXCHEQUER BILLS. See FORGERY, LARCENY.

EXCHEQUER CHAMBER,

for hearing appeals from court of exchequer: what judges
necessary to constitute court, II. 39

for appeals from king's bench how constituted, &c. II. 40

new court established in Ireland for appeals from K. B.

C. B. or Exc. or law side of chancery, II. 41, &c.

EXCISE. See CUSTOMS.

EXCOMMUNICATION. See ECCLESIASTICAL COURTS.

EXECUTION CIVIL

new against lands or goods of debtor dying in execution,
unless *bona fide* sold, and money paid, &c. II. 291

new against person discharged by privilege of parliament,
II. 291

new against estate of a debtor though previously impri-
soned or detained under a *ca. sa.* execution, II. 292

debtors imprisoned under execution for debt or damages
not exceeding £20. discharged, and bail exonerated,
but their estates liable, II. 307, 8

goods bound only from time of delivery of writ to sheriff,
&c.: time of delivery how indorsed, II. 308, 9

goods taken under, on premises leased, not removed until
rent (not exceeding one year) paid to landlord, &c.
but landlord or agent to make affidavit of rent due, if
required, II. 309

crops or produce of land let to farm, how far liable to,
Ad. II. 301 to 304

sheriffs' fees on extents and executions limited: real
debts to be certified and indorsed on writs: penalty for
extortion, II. 315, 6, 7, 8. *Ad.* I. 86

plaintiff or his attorney to lodge with officer a certificate
of real debt, and deliver a copy of certificate with writ:
penalty for default, II. 316-7

on sheriff's return of *non est inventus* or *nulla bona*, plain-
tiff may take out the same or other execution directed
to coroner, II. 318

penalty on sheriff, &c. delaying, &c. to execute writ, or
taking more than the legal fees, II. 318

writ of inquiry how held on *elegits*, &c. penalty for de-
fault: lease for years how sold thereon, II. 318

penalty on sheriff, &c. overholding money received for
plaintiff, II. 319

plaintiff may levy expenses of execution besides amount
of judgment, II. 319.

See BANKRUPT, ELEGIT, ERROR, ESCAPE, INSOLVENTS,
KING'S DEBTS, SCIRE FACIAS, STATUTES MER-
CHANT AND STAPLE, TRUSTS, &c.

EXECUTION CRIMINAL. See MURDER, TREASON, &c.

EXECUTORS,

probates how granted to, inventories how made by, &c.
I. 657, 8

EXECUTORS, continued,

will of feme covert when to be proved by husband, I. 658
shall have certain actions in respect of their testators' accounts and goods, &c. as testator would if living, I. 661.

Ad. I. 72

of executors shall have and be liable to actions as testators or first executors, I. 661

all need not join in executing certain trusts, I. 662

persons obtaining effects of intestate, or a release of any debt by fraud, &c. chargeable as executors *de son tort*, I. 662

or administrators of executor *de son sort*, or of rightful executor, answerable for his *devastavit*, so far as they have assets, I. 662

no sheriff to return a *devastavit* but upon inquisition in the proper county, I. 663

promises by, to charge their own estate, must be in writing, &c. II. 114

See ACCOUNT, ADMINISTRATION, COSTS, ERROR, RENTS, &c.

EXEMPLIFICATION

or *constat*, under great seal, evidence of patents, II. 230

of records under great seal, and seals of courts, and signed by chancellor, &c. of same force as originals, II. 230

EXIGENT. See OUTLAWRY.

EXPENSES. See WITNESSES.

EXPLANATION

of act of settlement, I. 184

EXPORTATION

of tools and utensils of trade prohibited, II. 737

See SMUGGLING.

EXTENT. KING'S DEBTS, INQUIRY, SCIRE FACIAS, STATUTES MERCHANT, &c.

EXTORTION

of fees by officers of courts, how punished, II. 612, 3.

Ad. I. 95, 6

See FEES, TOLL.

EYE. See MAIMING.

FACTOR

liable to be declared bankrupt, I. 615

FACULTIES. See DISPENSATIONS.

FAIRS. See HORSES.

FALSE ACCUSATION OR SUGGESTION. See ACCUSATION.

FALSE IMPRISONMENT. See AMBASSADORS, IMPRISONMENT.

FALSE JUDGMENT,

such pleas to be heard in the king's court, II. 290

suggestion of record not being truly certified, how tried, II. 290-1

FALSE NEWS

spreading, of a seditious nature ; to prejudice of prelates, peers, judges, &c. how punished, II. 660-1

FALSE PRETENCES. See CHEATING.

FALSE PROPHECIES

to excite rebellion, &c. how punished, II. 661

FALSIFYING. See COIN, RECORDS.

FARTHING. See COIN.

FAT. See LARCENY, MISCHIEF.

FEALTY. See FEODAL TENURES.

FEE FARM. See DISTRESS, ECCLESIASTICAL PERSONS, TREES, &c.

FEES. See JUSTICE OF PEACE, PRISONERS, &c.

FELONY. See OFFENCES and *particular heads.*

FEMALES,

their right to succeed to the crown declared, I. 152

special remedy where bonds, &c. fraudulently obtained from them, *Ad.* I. 86

sentence against, when convicted of treason, how altered, II. 1240

punishment of whipping them abolished, *Ad.* II. 506

See ABDUCTION, BENEFIT OF CLERGY, FEME COVERT, &c.

FEME COVERT. See DOWER, EQUITY, HUSBAND, &c.

FENCES,

proprietors, &c. of neighbouring lands compellable to be contributory to making them, I. 479, 480

where fences are crooked, they may be made straight, and land exchanged by tenants for life for the purpose, I. 481, 2

justices of peace may appoint arbitrators to adjust them between neighbouring proprietors, &c. I. 483, 4

persons, &c. neglecting to repair fences to have no remedy for involuntary trespass, and to pay treble damages for trespass, I. 484

See LARCENY, MISCHIEF.

FEODAL OR MILITARY TENURES,

with their appendages abolished, I. 187.. 443, 4

frank-almoign, copyhold, and honorary services of grand serjeanty, excepted, I. 444

FEOFFMENT. See ATTAINDER.

FERN. See GAME.

FIERI FACIAS. See EXECUTION.

FIGURES. See ABBREVIATIONS, COPYRIGHT.

FINE,

ancient mode of levying : parties to appear personally :

commission to take, in case of disability, I. 566, 7

fees of chirographers : fines openly read and proclaimed, I. 567

proclamations abridged from 16 to 4, I. 568

inrolment how to be, and effect thereof, I. 568

to be posted in court of C. B. and at assizes of counties, I. 569

certificate of acknowledging, how to be, I. 569

fees for inrolling, &c. thereof : records not to be removed, I. 570

FINE, continued.

effect of, in barring parties, privies and strangers, I. 571

plea of non-claim a bar after 5 years, I. 571. *Ad.* I. 46
no entry sufficient to avoid fine, unless action within a year, I. 572

by tenants in tail bar issue ; except by tenants in dower ;
or where reversion is in the crown, &c. I. 572

by husband only of wife's land no bar to her or her heirs, &c. I. 573

may be levied of tithes or other spiritual profits, I. 573

declaration of trusts thereof may be after levying, I. 577

not reversable for want of form, II. 289

scire facias when to be brought upon fines, II. 289

levying in another's name, a capital felony, II. 581

See AMERCEMENTS, RENEWAL.

FIRE. See ACCIDENT, ASSEMBLIES, BURNING, MISCHIEF.

FIRE ARMS. See ARMS, SHOOTING.

FIRING AT PERSON. See SHOOTING.

FIREWORKS

making, selling, or throwing squibs, rockets, serpents, &c. or permitting them to be thrown into streets, how punished, II. 765

FIRST FRUITS

how vested in the crown in England and Ireland, I. 166-7

and tenths transferred to the governors of the bounty of queen Anne for augmenting the maintenance of clergy, I. 168-9

and twentieth parts transferred to trustees and commissioners in Ireland for like purpose, I. 170, 1. *Ad.* I. 11

made applicable to building churches and glebe houses, I. 173. *Ad.* I. 22

FISH

breaking, &c. head, dam, or mound of fish pond, &c. how punished. II. 624. 868, 9

fishing in ponds, &c. without title or consent, II. 827. 869, 870

nets, &c. for taking of fish, may be taken from persons not makers or sellers thereof, nor owners or occupiers of fisheries, II. 870

search made for nets and fish: penalty for each fish found, II. 823-870

entering parks, &c. and stealing, &c. fish in river, pond, &c. therein: or taking, &c. fish in private enclosures, II. 871

salmon not to be taken at certain seasons of the year, II. 872-3

nets, wears, &c. for destruction of fry prohibited: justices of peace conservators of rivers, II. 873

FISH, *continued.*

- penalty for killing the young brood, spawn or fry of any fish, or taking salmons or trouts not in season ; or having such, or selling, &c. the same, II. 874, 5
- penalty for erecting wears along sea shore, &c. or within 5 miles of mouth of haven, &c. or taking, &c. in any wear, &c. spawn, &c. of sea fish, II. 876, 7
- penalty for using nets upon the coast of England having meshes exceeding certain dimensions, II. 877
- penalty for selling, &c. sea fish under certain sizes, II. 878
- penalty for taking oysters with nets in the oyster beds of others, or using nets for the purpose, II. 879
- a felony to steal oysters or oyster broods from oyster beds, &c. II. 881
- qualification in respect of property required for keeping gaffs, nets, &c. for killing salmon or salmon fry, II. 882
- penalty for unqualified persons having or using gaffs, nets, boats, &c. other than makers or sellers, or owners of rivers, II. 883
- penalty for persons using boats or nets, &c. within the salmon fisheries of others, in Ireland, II. 882
- penalty for taking fish in the pond, &c. of another, II. 883
- penalty for erecting shades, &c. on the banks of rivers, or taking salmon or trout by means thereof, or impeding passage of salmon, II. 884
- penalty for taking salmon or trout between 1st Feb. and 1st Sept. except the owner or renter of fishery, and except with angling rods, II. 884
- penalty for taking fish with lights, strokalls, &c. II. 884-6
- penalty for taking fish by angling without consent of owner of fishery, II. 885
- penalty for fishing in disguise, II. 885
- penalty for fishing at night with lights, boats, &c. II. 886-7
- penalty for fishing for salmon between 12th Aug. and 1st Feb., II. 886, 7
- penalty for proprietor or other killing, &c. salmon between 12th Aug. and 1st Jan. II. 887
- penalty for killing trouts between 1st Oct. and 1st. Feb. II. 888
- penalty for having or exposing to sale salmon or trout out of seasons, &c. II. 889
- penalty for taking salmon, salmon peale, or salmon fry, during season prohibited, at mouths of rivers, &c. II. 889
- penalty for putting swine, &c. to feed on strands, &c. of sea, II. 889. 890
- penalty for taking fry of eels, or spawn, &c. of salmon, or taking salmon with stop-nets, &c. II. 890

FISH, continued,

penalty for making or having spears, &c. for killing salmon, or using lights above the flowing of the tide, or engines for taking salmon fry at any mill-tail, II. 890-1

penalty for killing 12 salmon fry in a day from 1st Feb. to 1st June: or setting nets, &c. to take them between 1st March and 1st June: or taking salmon fry or eel fry at any time with nets, &c. II. 892

penalty for obstructing or destroying fry by mill-dams, &c. II. 892

duty of constables for preserving salmon fry, II. 892, 3

penalty for obstructing passage of spawning fish through weirs, &c.: king's gap of 21 feet to be kept open: proceeding to abate such nuisances, II. 893, 4, 5

penalty for steeping flax or hemp, or hides with lime, or throwing noxious ingredients into rivers, &c. II. 896. *Ad. I.* 117

authority and protection given to persons watching rivers, &c. II. 896, 7, 8, 9

penalties for killing salmon or trout, contrary to fishery laws, levied on contiguous landholders if offenders unknown, II. 897

saving for rights of fishermen to fish in navigable rivers, &c. II. 900

penalty for officers or soldiers destroying fish, II. 860

no person to fish for herrings between sun-rise and sun-set, II. 900

See **GAME.**

FIXTURES. See **LARCENY.**

FLAX. See **FISH, FORGERY.**

FLESH. See **LARCENY.**

FLOODGATE. See **MISCHIEF.**

FLOTSAM. See **SALVAGE, WRECKS.**

FLOWERS. See **LARCENY.**

FORCIBLE ABDUCTION. See **ABDUCTION.**

FORCIBLE ENTRY, &c. See **ENTRY FORCIBLE.**

FORECLOSURE. See **MORTGAGE.**

FOREIGNERS. See **ALIENS.**

FOREIGN EDUCATION. See **CATHOLICS.**

FOREIGN PLEAS. See **TRIAL.**

FOREIGN SERVICE

felony to go out of the realm to serve a foreign prince, &c. without taking oath of allegiance, &c. II. 509

a capital felony to enlist or procure others to enlist in foreign service without license, II. 510, 1, 2

persons presented at assizes, &c. for enlisting, &c. in foreign service proclaimed; and high treason not to surrender themselves: and a capital felony to conceal or abet them, II. 513

FORESTS

a branch of the king's revenue, I. 188

FORESTS, *continued.*

statutes relating to the jurisdiction of forest courts, II. 59

See PEERS.

FORESTALLERS

buying grain, wine, victuals, &c. before the accustomed hour of market, or in the way to it, with intent to sell the same again, how punished, II. 700, 1
persons buying hides, yarn, wool, &c. to sell again, except in open market or fair, adjudged forestallers, II. 702

FORFEITED ESTATES

history of deduced, I. 177 to 187
English statutes respecting adopted in Ireland; and remainder of these estates vested in the crown exclusively, I. 186, 7. *Ad.* I. 151
patents granting them under great seal of England, confirmed, I. 187

FORFEITED RECOGNIZANCES

baron of the exchequer empowered to discharge persons imprisoned under them, *Ad.* I. 146
form prescribed for recognizances; and for oath of bail for prisoners, *Ad.* II. 471, 2
penalty for default of justices in respect of taking or returning recognizances, *Ad.* II. 472
duty of clerks of the crown and peace in respect of returning and delivering estreats of recognizances and fines; and posting on doors of court houses lists of recognizances forfeited, &c. and transmitting copies to treasurers of counties, *Ad.* II. 473, 4, 5. 483
duty of comptroller of the pipe, and solicitor of the casual revenue, in respect thereto, *Ad.* II. 475, 6, 7
duty, &c. of sheriff in respect to levying them, *Ad.* II. 477, 8, 9
power of commissioners of reducements, to reduce or remit, *Ad.* II. 480
power of court of exchequer, assize or sessions, to relieve parties in custody, *Ad.* II. 481
court to inquire whether petitioner cannot pay part; and as to circumstances of case, and length of imprisonment, *Ad.* II. 481, 2

FORFEITURE. See AMERCEMENT, ATTAINDER, TITLE.
FORGERY

of deed, charter, court roll, or will, or publishing, &c. the same, how anciently punished, II. 1042, 3, 4
of deed, will, bond, &c. bill of exchange, or acceptance thereof, promissory note, or indorsement of bill or note, or acquittance or receipt for money or goods, or any accountable receipt for any note, &c. or any order for payment of money or delivery of goods, or uttering, &c. the same, a capital felony, II. 1044, 5, 6, 7
in respect to the paper or plates used by bankers for their bills and notes, and the subscription of their names thereto, II. 1047, 8, 9

FORGERY, *continued.*

in respect to the bills, notes, dividend warrants, &c. of the bank of England; and the paper and plates for their bills and notes, II. 1049. 1050, 1, 2, 3. *Ad.* II. 449

persons knowingly purchasing such forged notes, or having them in their possession, transported, II. 1051

bankers, &c. indemnified for having ignorantly issued notes, &c. containing white letters or figures on black ground resembling bank of England notes, &c, *Ad.* II. 450

such offence of forgery in respect to the bills or notes of the bank of England, or the paper or plates for their bills or notes, when committed in Ireland, how punished, II. 1059 to 1064

in respect to the notes or bills of the bank of Ireland, or the paper or plates for their bills or notes, II. 1053 to 1059

purchasing or receiving forged notes, &c. of bank of Ireland without lawful excuse, punishable with transportation, *Ad.* I. 124

in respect to the notes, &c. of any foreign prince or state, or of any company, &c. in any foreign country, or any plate for engraving the same, II. 1064, 5, 6

the common seal, or bonds or dividend warrants, &c. of the South Sea or East India company, II. 1066, 7

the common seal of the London and Royal Exchange assurance company, and their policies, bills, &c. II. 1067

the seal of the governor and company of the British cast plate glass manufactory, II. 1068

the transfer of the stock or funds of any body corporate, established by act of parliament, or receipt of the dividends, &c. thereon, II. 1068

stock, &c. transferrable at the bank of England, or the dividends, &c. thereof, or falsifying the accounts of the bank of England in respect thereto, II. 1069, 1070

debentures or stock transferrable at bank of Ireland, or interest, &c. thereon: or falsifying the accounts of the bank in respect thereto, II. 1072, 3, 4

exchequer bills, II. 1074. *Ad.* I. 125

receipts for loans, II. 1075

the transfer from funds in Great Britain to funds in Ireland, *Ad.* II. 451

annuities, &c. granted by the commissioners for reduction of the national debt, II. 1075. *Ad.* I. 126

the redemption and sale of land tax, &c., II. 1076. *Ad.* II. 452

money to be advanced for employing the poor, *Ad.* II. 452

lottery tickets, II. 1077, 8. *Ad.* II. 453

several branches of the stamp duties in England and Ireland, II. 1078 to 1081. *Ad.* II. 453 to 460

the postage duties, II. 1081, 2

FORGERY *continued*

or personation for obtaining prize money or wages, or pay of seamen or marines, II. 1082 to 1086. *Ad. I.* 126, 7. *Ad. II.* 460, 1

or personation for obtaining prize money, pension or pay, &c. of soldiers, II. 1086, 7. *Ad. II.* 462

in respect to the sale of navy, ordnance, or victualling stores, II. 1087

the bills, tickets, &c. by which naval treasure is disposed of, II. 1088

the drafts, &c. of the receiver general of excise, or receiver general of customs : or of the treasurer of the ordnance, &c. : or receiver-general, &c. of stamps ; or receiver-general of the post office, &c. ; or surveyor-general or commissioners of the king's woods, &c. II. 1089

the marks or seals used in pursuance of the consolidating customs act, II. 1089

the certificates required to be given by the officers of excise, II. 1090

the paper used by the commissioners of excise, II. 1090. *Ad. II.* 462, 3

the stamps or marks, (or permits) denoting the payment of the duty on paper, *Ad. I.* 128. *Ad. II.* 463

the registry of deeds, II. 1091, 2

the certificates, &c. for obtaining suitors' money deposited in bank, II. 1092

in respect to the receiver of prebends at the alienation office, II. 1093 *Ad. II.* 464

the registrar of the court of admiralty, *Ad. II.* 464

marriage licenses and registers, II. 1093

certificate of taking the qualification oaths of catholics, II. 1093

Mediterranean passes, II. 1093, 4, 5

quarantine certificates, II. 1095

stamps on gold or silver plate, II. 1096 to 1100. *Ad. II.* 465

the names, seals, or stamps required to be stamped or marked on the linen and hempen manufactures ; or the brands, &c. on casks of flax-seed or hemp seed, II. 1100

FORMA PAUPERIS

plaintiffs suing as such not to pay costs, but punishable at discretion of judge, II. 271

counsel, attornies, and clerks, assigned in all courts of record to poor persons, without reward, or fees for writs, &c. II. 275

persons defending suits when allowed like privileges, II. 275

FORMEDON

in descender granted by statute *de donis*, I. 446

limitation for bringing these writs, II. 131

FORTUNE-TELLERS. See **GYPSES.**

FOSTERERS. See VAGRANTS.

FOUNDINGS,

provision made for their support, &c. I. 285, 6

FOWLER. See ARMS, GAME.

FRAMES AND FRAMEWORK. See FORGERY, MIS-
CHIEF.

FRANKALMOIGN

excepted upon the abolition of feodal tenures, I. 444

FRAUDS. See AGREEMENT, ATTAINDER, CHEATING,
CONVEYANCES, DEVISES, &c.

FREEHOLDER. See JURIES, PARLIAMENT.

FREEMASONS See ASSEMBLIES.

FREEMEN. See CORPORATIONS, MANDAMUS, PARLIA-
MENT, QUO WARRANTO.

FREE SCHOOLS. See SCHOOLS.

FRESH SUIT. See HUE AND CRY.

FRIARS. See CATHOLICS.

FRIDAY GOOD. See BILLS of EXCHANGE, HOLYDAYS.

FRIENDLY SOCIETIES. See POOR.

FRUIT TREES. See LARCENY, TREES.

FRY. See FISH.

FUNDS. See FORGERY, SINKING FUNDS.

FURNITURE. See LARCENY.

FURZE. See GAME.

GADS. See LARCENY.

GALLOWS. See ASSEMBLIES.

GAME,

duties or taxes in respect of killing, I. 199. *Ad.* II. 39

qualification in respect of property for killing game, II.
820, 1, 2. 857

lords of manors and justices of peace may search for and
seize guns, &c. dogs, &c. nets, &c. of unqualified per-
sons, for killing game, and also any game found, II.
822, 4. 857

penalty for keeping or using dogs, &c. not being qualified
II. 823, 4. 857

resistance to unauthorized persons killing game in the
night time, how justifiable or excusable, II. 823, 8, 858

penalty for higlers, &c. having hares, pheasants, partridges,
moor, heath-game or grouse, in their possession; or for
any person, qualified or not, selling, &c. any hare, &c.
and what shall be deemed an exposing to sale, II.
824, 5. 838. 860.

who shall be gamekeepers and how appointed: penalty
for killing game without consent, II. 826, 7. 858.

penalty for trespassing in parks or ponds, II. 827

hunting in the night or disguised, how punished, II. 828.
624

hunting, wounding, &c. or stealing red or fallow deer in
king's forests, &c. or in any park, &c. II. 624

persons killing, &c. deer in any enclosed ground, or in any
unenclosed part of any forest, &c. how punished, II.
829 to 836. 862, 3, 4

GAME *continued*

- penalty on persons setting nets, &c. pulling down pales, &c. carrying fire arms, &c. to destroy deer, or resisting, &c. rangers, II. 831, 2, 6
- destroying covert for deer, viz. goss, furze, fern, heath, &c. II. 836. 863
- killing hares in the snow, or with snares, &c. or in the night, or using engines with intent so do, or between November and July, II. 624. 771. 837, 8, 9
- killing, &c. conies, (or rabbits,) in parks, &c. enclosed or unenclosed, or in the night, on the borders of any warrens, &c. or within the same, II. 842, 3, 4. 865
- persons taking hawks, or their eggs, on their own ground, or on the grounds of others, how punished, II. 844, 5
- prerogative of the king in respect to hawks, II. 846
- qualification for keeping swans : penalty for taking, &c. their eggs out of the nest, II. 846
- taking or destroying, or shooting at partridges or pheasants, (or their eggs,) II. 847. 865, 6
- taking or killing pheasants or partridges, heath-fowl or grouse, &c. in the night time, II. 771. 838. 848, 9. 866
- taking, killing, having, &c. partridges between 1st Feb. and 1st Sept. or pheasants between 1st Feb. and 1st Oct. II. 850
- killing, &c. house doves or pigeons, (unless owners,) II. 847. 850, 1
- killing, &c. mallards, ducks, teals, and widgeons, or taking them (or other water fowl,) in the moulting season, &c. II. 847. 851, 2
- taking or destroying, (or shooting at) grouse, heath-cocks or moor-game, or their eggs, II. 847. 852
- killing, &c. heath-fowl, grouse, or bustards, at certain seasons of the year, or burning heath, &c. on mountains, &c. between 2d Feb. and 24th June, II. 852 3, 4, 5. 865, 6
- killing, &c. herons, or robbing their nests, II. 847. 855
- taking, &c. the eggs of any wild fowl, II. 855
- licenses, &c. for killing crows for hawks' meat, II. 856
- penalties under game laws recovered wholly by informer, II. 856
- penalties how recovered and enforced in Ireland, II. 867
- persons killing game in the night punished as incorrigible rogues ; and how punished in Ireland, II. 771. 866
- officers or soldiers, &c. killing game, II. 859. 860
- killing game on a Sunday, how punished, II. 864, 6
- dogs of unqualified persons may be ordered to be killed, II. 862
- reward for taking or killing animals that destroy game, viz. otters, martins, weazles, rats, cormorants, kites, scaldcrows, or magpies, II. 868

GAMING,

- penalty for keeping houses for unlawful games, or haunt-

GAMING *continued.*

ing such ; and for artificers, &c. playing at unlawful games : proviso as to servants playing in the houses of noblemen, &c. II. 792

keeping place for playing at roly-poly, &c. or playing at such games, II. 794

penalty on publicans permitting journeymen, &c. to game in their houses, and on journeymen, &c. gaming in public houses ; and how enforced, II. 795, &c.

money won at play, or betting, or lent for the purpose, not recoverable ; and persons winning forfeit treble value, II. 798

if £10. lost at play, money recovered by loser with costs, or if loser does not sue within 3 months, then treble value recovered with costs by any person suing ; and court of equity may compel discovery, &c. II. 799

persons winning above £10. at one sitting forfeit 5 times the value, II. 799

persons supporting themselves for the most part by gaming may be bound to their good behaviour, II. 800, 1

persons losing £10. at one time, or £20. in 24 hours, how punished, II. 800

penalty on persons playing in shops, &c. with dice or cards, or on shop-keepers permitting such play, II. 801

lotteries and gaming tables public nuisances : penalty for keeping them open, or playing there at dice or cards, &c. or betting, &c. II. 808

assaulting or challenging on account of money won by, II. 660

cheating at play or deceitful gaming how punished, II. 801

See **LOTTERIES.**

GAOLS AND GAOLERS,

sheriffs to have the custody of gaols, and to be responsible for gaolers, I. 225

sheriffs shall not take any fee, rent, &c. from gaolers, I. 225

sketch of the statutes providing for the sustenance, health, and religious duties of prisoners, restraining the extortions and oppressions of gaolers, and regulating the internal economy of gaols, I. 226 to 235. *Ad.* I. 14. 15.

Ad. II. 45

expenses of building, repairing, &c. of, provided for, I. 235. *Ad.* II. 46

See **APPROVERS, PRISONERS.**

GAOL-BREAKING. See **BREACH of PRISON, ESCAPE.****GAOL DELIVERY.** See **COMMISSIONERS of OYER and TERMINER.****GARDENS.** See **LARCENY.****GATES.** See **LARCENY, MISCHIEF.****GAVELLING,** See **CATHOLICS.****GENERAL AVOWRY.** See **REPLEVIN.****GENERAL ISSUE.** See **OFFICERS.**

GIBBET. See COMBINATIONS.

GIFTS. See CONVEYANCES.

GILDING. See COIN.

GLEBES. See ECCLESIASTICAL PERSONS.

GOATS. See TREES, TRESPASS.

GOLD. See COIN, MINES.

GOOD BEHAVIOUR,

justices of peace empowered to require sufficient surety for, from those who are not of good fame, I. 241

justices to certify recognizances of the peace to the next sessions, II. 1101

justices may require sureties for, from strangers sojourning or wandering, who cannot give a satisfactory account of themselves : but report to be made to lord lieutenant in such cases, *Ad.* I. 104

process of, not to issue out of chancery or king's bench, unless upon motion in court, and on affidavit of cause, &c. ; and no *supersedeas* out of said courts unless on motion and sureties found and false and insufficient bailers punished, II. 1102, 3

See GAMING.

GOOD FRIDAY. See BILLS of EXCHANGE, HOLIDAYS.

GOSS. See GAME.

GOVERNMENT. See SEDITION, II. 547

GOVERNORS OF COUNTIES,

pleading and costs in actions against, II. 146, 8

GRANARY. See ASSEMBLIES, LARCENY, MISCHIEF.

GRAND CAPE. See PROCESS.

GRAND JURY. See BRIDGES, CATHOLICS, HIGHWAYS, INDICTMENTS, JURIES, &c.

GRAND SERJEANTY. See FEODAL TENURES.

GRANTS. See ASSIGNEES, PATENTS, TENURES.

GRAVE. See COMBINATION.

GRAZING. See HORSES, TRESPASS.

GREAT BRITAIN,

church and parliament of England and Scotland united, I. 13, 18. 155

union of with Ireland. See Preface, II. I. 15. 20. 156

GREAT CHARTER. See LIBERTIES.

GREAT DISTRESS. See PROCESS.

GREAT SEAL

of Ireland continued during the king's pleasure, I. 566

See CHANCELLOR, PATENT, TREASON.

GREEN WAX. See FORFEITED RECOGNIZANCES.

GREENWICH PENSIONERS. See FORGERY.

GREY HOUNDS. See GAME, VAGRANTS.

GROUSE. See GAME.

GUARDIAN

guardianship in chivalry abolished, I. 418

may be appointed by deed or will by parent, to have custody of child and personal estate, and profits of lands, till 21, I. 418, 9

may maintain an action of ravishment of ward, or tres-

GUARDIAN, continued.

pass for recovery of ward taken or detained, II. 106

See ABDUCTION, ACCOUNT, DISSENTERS, EQUITY, HEIR.

INEA. See COIN.

GUNPOWDER PLOT. See ANNIVERSARIES.**HABEAS CORPUS**

granted for relieving subject from arbitrary or illegal imprisonment, I. 3 to 8

such writ (*ad subjiciendum*) how signed, &c. and when returned, &c.: expenses of removal of prisoner paid, &c.

II. 102

proceeding thereon in vacation time, II. 102. *Ad.* II.

233, 4, 5

penalty for officers disobeying this writ, II. 104. *Ad.* II.

234

truth of the facts set forth in return how inquired into:

proceeding thereon if truth doubtful, *Ad.* II. 235, 6

persons set at large not to be re-committed without order of court, II. 104

may run into counties palatine or cinque ports, Guernsey and Jersey, and places out of the body of each county, II. 105. *Ad.* II. 236

persons committed for crimes in what cases only removed: to be brought before judges of assize, after assizes proclaimed, II. 105

writ not to be granted where prisoner specially charged in warrant as accessory before the fact to petty treason or felony, or with suspicion thereof, II. 105

but such prisoners bailed unless indicted the next term, &c. after commitment: and if not tried the second term, &c. discharged, II. 1203

penalty on judge denying writ contrary to the statute; and pleading, &c. in suits for offences against this act, II. 105, 6

act suspended by proclamation during invasion or rebellion, I. 9

temporary suspension of *habeas corpus* act, I. 144. *Ad.* II. 1

to remove prisoner or recognizance must be signed by a judge of the court; and certify cause of imprisonment, or of taking recognizance, and name of justice committing, &c. II. 96. *Ad.* I. 63

not necessary for declaring against prisoner, II. 97. *Ad.* I. 63

if it be returned thereto, that prisoner is condemned by judgment, then prisoner remanded till plaintiff satisfied, II. 98

expenses of removal deposited before prisoner in execution be removed by, II. 98

to remove causes, &c. must be delivered before any juror sworn; or issue or demurrer joined: and suit not removed if before remanded, or where debt, &c. does not, *bona fide*, exceed £5. II. 99. 100

HABEAS CORPUS, continued.

security required before removing causes, II. 100

prisoners brought up by, for trial, or to be examined as witnesses before court martial, commissioners of bankrupt, or other commissioners, II. 100, 1

judge of K. B. C. B. or Exc. or justice of assize or gaol delivery, may award this writ to bring up prisoner to be examined as a witness, II. 101

justice of assize or gaol delivery may order prisoner in execution, within county where they sit, to be brought up to be examined as a witness, II. 101

HABERE. See EXECUTION.

HAIR. See MISCHIEF.

HALFPENCE. See COIN.

HAND-BILL. See LIBEL.

HAND, BURNING IN. See BENEFIT OF CLERGY.

HARBOURING. See ACCESSARIES.

HARBOURS.

the king's prerogative in respect to, I. 160

powers of commissioners of the admiralty in respect to public harbours, and king's moorings, *Ad.* II. 29, &c.

HARD LABOUR. See BENEFIT OF CLERGY.

HARES. See GAME.

HAWKERS. See SUNDAY.

HAWKS. See GAME.

HAY. See MISCHIEF.

HAZARD. See GAMING.

HEAD OF THE CHURCH. See CHURCH.

HEARTH-MONEY.

abolished in England ; but continued in Ireland, I. 197

HEATH AND HEATH-FOWL. See GAME.

HEDGES. See MISCHIEF.

HEIRESS. See ABDUCTION.

HEIR. See ADMINISTRATION, AUTER VIE, DEVISES, KING'S DEBTS, SCIRE FACIAS, TRUSTS, &c.

HEMP. See FISH, FORGERY.

HERESY

nothing adjudged to be but what is so by the scriptures, or general councils or parliament, II. 373.

writ *de hæretico comburendo* abolished : and all punishment of death under ecclesiastical censures, II. 373, 4

HERIOT. See DISTRESS.

HERONS. See GAME.

HERRINGS. See FISH.

HIDES AND SKINS. See FISH, FORESTALLING.

HIGH CONSTABLE. See CONSTABLE.

HIGHWAYMEN. See HOMICIDE, LARCENY.

HIGHWAYS

surveyors of how appointed : what qualification necessary, penalty for refusal to serve, salary how appointed, I. 257-8

their duty and powers in respect to widening, diverting

HIGHWAYS, *continued.*

- and repairing roads, &c. and procuring materials, I. 258, 9
- expenses defrayed by assessment on occupiers of land, I. 260. *Ad.* II. 59
- notice required previous to diverting or stopping up highways; appeal to quarter sessions from order of special sessions, *Ad.* II. 57 to 59
- nature of statute duty, or of composition in lieu thereof: justices, &c. at sessions to fix the rates of such composition; contribution with relation to annual value of lands, &c. occupied, or number of horses kept, I. 260, &c. *Ad.* II. 60, &c.
- penalty for refusing to perform statute duty in kind when duly summoned, *Ad.* II. 62
- special sessions relative to highways when held, *Ad.* II. 63
- grand juries in Ireland empowered to present money for widening roads, making new roads and footpaths, stopping up old roads, filling trenches, lowering hills, &c. and for repairs, I. 264, 5. *Ad.* I. 15-6-7
- their powers restrained as to pulling down walls, and carrying roads through deer-parks, &c. I. 267
- such presentments how obtained; and how accounted for, I. 266, 7
- presentments for making new roads, or widening or stopping up old roads, or for damages incurred by making new or widening old roads, how traversed, I. 268
- *magistrates of certain qualifications to meet in counties, &c. in Ireland, at certain times, to take into consideration applications for presentments for roads or public works, *Ad.* II. 64
- notices of all proposals for making, &c. roads, &c. to be posted on church and chapel doors, previous to such sessions, *Ad.* II. 65
- all proposals, estimates, &c. to be laid before magistrates at such sessions: such as are approved of to be laid before the grand jury at the assizes, by their secretary, *Ad.* II. 70, 2
- secretary of grand jury shall cause abstracts of all matters relating to presentments to be inserted in schedules, and to be printed and distributed, and copy thereof delivered to foreman of grand jury at assizes, *Ad.* II. 72, 3
- expenditure of money presented how accounted for, *Ad.* II. 76

* The 57 Geo. 3. c. 107. I. which is abridged, *Ad.* II. 64 to 82. has, since this part of the supplement was printed, been suspended by the 58 Geo. 3. c. 1. and since repealed by the 58 Geo. 3. c. 67. which, however, adopts several clauses of the 57 Geo. . c. 107. and amends others; but the provisions concerning the establishment of county surveyors are altogether excluded from the latter act,

HIGHWAYS, continued.

accounting affidavits how traversed, *Ad. II. 77*

sums not expended in 2 years to be presented again, *Ad. II. 77*

presentments how apportioned upon unconnected parts of baronies, *Ad. II. 78*

distinct oath for grand jurors in respect to presentments : and any matter in respect thereto may be disclosed, *Ad. II. 71*

presentments applotted under treasurer's warrant to collectors in baronies, &c. who shall send an account in writing to seneschals or church-wardens of each manor or parish, &c. or if no seneschal, &c. then to any principal inhabitant, [*if thereto required by 2 landholders of such manor, &c. or if they shall deem it necessary so to do,] of the sum to be applotted ; who shall summon landholders and inhabitants to choose applotters, I. 269

See **POST ROADS, TURNPIKE ROADS.**

HIGLERS. See **GAME.**

HOLDING OVER. See **OVER-HOLDING.**

HOLLIES. See **LARCENY.**

HOLIDAYS

what days shall be kept holy, II. 448, 9

proviso as to works of necessity, II. 449

penalty on labourers or servants refusing to work on other days : and duty of constables and magistrates, II. 450

See **ANNIVERSARIES, SUNDAY.**

HOMAGE. See **FEODAL TENURES.**

HOMICIDE

justifiable in dispersing rioters, or unlawful assemblies, II. 617, 9. 630

in resisting persons killing game in the night, or trespassing in ancient chases, parks or warrens, II. 823, 8

in resisting attempts to murder or rob any person, or to break any dwelling house, &c. II. 901

of notorious thieves, or thieves found robbing, &c. and tax on barony as a reward for taking or killing them, II. 901

by misadventure only, shall not be adjudged murder, II. 1244. *Ad. I. 119*

See **MANSLAUGHTER, MURDER.**

HOP-BINDS. See **MISCHIEF.**

HORSES

to be sold in a certain place in fairs and markets, and openly ridden, &c. for one hour : and description of parties to sale and colour of horses, to be entered by toll-gatherer, &c. I. 597, 8

knowledge of parties avouched if not known to toll-gatherer : sales in other manner void, I. 597, 8, 9

* The words within the crotchets are by some error omitted in Digest Vol. I. P. 209.

HORSES, continued.

if stolen and sold in formal manner, yet redeemable within 6 months, I. 599

inn-holders, hostlers, &c. answerable for those turned to grass, II. 121

See CUSTOMS BARBAROUS, LARCENY, MISCHIEF, OATHS, VAGRANTS.

HORSE RACES

no persons but owners to enter, &c. horses for plates, and not more than one for each plate ; no plate under £50. value, II. 818

one day's running only for each plate : what courses legal, II. 818

in Ireland plates, &c. under £20. ; or within 9 miles of Dublin, prohibited. II. 819, 820

HOSPITALS

established in Ireland, to be supported by voluntary subscription, grants of lands, and presentments of grand juries, I. 287, 8. *Ad.* I. 19. *Ad.* II. 87

See CHARITIES.

HOSTLER. See HORSES.

HOUGHING. See MISCHIEF, (II. 1020)

HOUSE-BOTE. See ESTOVERS.

HOUSE-BREAKING

by day or night, any person being therein and put in fear, a capital felony, II. 922

after sun-set or before sun-rise, or 6 in the morning, a capital felony ; at other hours how punished, II. 629, 630

HOUSE-BURNING. See ACCIDENT, BURNING.

HOUSE - ROBBERY. See LARCENY.

HOUSE OF CORRECTION. See BRIDEWELL, JUSTICES OF PEACE.

HOUSES OF INDUSTRY. See POOR.

HUE AND CRY

all persons to assist in arresting and pursuing felons, at the summons of the sheriffs, and cry of the country, II. 1146

the hundred shall be answerable for the damages occasioned by any robbery, or for the bodies of offenders, II. 1147

inhabitants of hundred not making fresh suit, to pay half the damages recovered against hundred where offence committed, II. 1148

every hundred where default, shall be assessed by 2 justices, II. 1148, 9

no hundred chargeable if one offender apprehended, II. 1149. 1151

to be made by horsemen and footmen, II. 1149

what notice to be given by person robbed : and what bond to constable of the hundred before action brought, II. 1149. 1151

- HUE AND CRY**, *continued*
 if plaintiff insolvent, constable how reimbursed, II. 1152
 process and execution, &c. in actions against hundred, II. 1151, 2, 3, 4
 inhabitants competent witnesses: damages how limited, II. 1154
- HUNDRED**. See **HUE AND CRY**.
- HUNDREDORS**. See **JURY**.
- HUNTING**. See **GAME**.
- HUSBAND**
 entitled to administration of wife's estate, I. 657
 not compelled to prove will of or take administration to wife, unless executrix, or he has no other remedy, I. 658
 the wife to be an executing party to lease made by husband of her lands; rent thereon how reserved; and how aliened during coverture, I. 521
 may after death of wife distrain or bring debt for arrears of rent due in her life-time, and in her right, II. 155
 no fine, &c. by husband alone, shall discontinue, &c. wife's estate, I. 573
 See **FEME COVERT**, **MARRIAGE**.
- IDENTITATE NOMINIS**. See **OUTLAWRY**.
- IDIOTS**
 custody of their lands belongs to the king, I. 190
 See **EQUITY**.
- IDLE PERSONS**. See **VAGABONDS**.
- IGNORAMUS**. See **INDICTMENT**.
- IMBEZZLING**. See **KING'S STORES**, **LARCENY**.
- IMPEACHMENT, PARLIAMENTARY**
 counsel assigned to party impeached after articles exhibited, II. 1202
- IMPORTING**. See **COIN**, **PRÆMUNIRE**, &c.
- IMPRISONMENT**
 in prisons beyond the seas how punished, I. 7, &c.
 See **COURTS INFERIOR**, **EXECUTION**, **HABEAS CORPUS**, **INSOLVENTS**, &c.
- IMPROPRIATIONS**. See **COMBINATION**, **ECCLESIASTICAL PERSONS**, **TITHES**.
- INCORPORATED SOCIETIES**. See **APPRENTICES**, **POOR**.
- INCORRIGIBLE ROGUES**. See **VAGABONDS**.
- INCUMBRANCES**. See **CONVEYANCES**.
- INDICAVIT**. See **PROHIBITION**.
- INDICTMENT**,
 in what county, &c. where stroke, or poisoning, or bewitching in one county, and death in another; or stroke, &c. out of England, and death in England, or *vice versa*, II. 1167, 8, 9
 against accessory to murder or felony, found in the county where his offence committed, though offence of principal in another county, &c. II. 1168. 1170

INDICTMENT *continued.*

if offence of accessory committed out of Ireland, then indictment where principal offender tried, II. 1171.

robber or burglar, &c. indicted and convicted, &c. in a county different from that where offence committed, yet to suffer death, &c. *Ad. I.* 141, 2

person guilty of larceny in one part of the united kingdom, may be indicted in another part where he shall have any of the goods, &c. stolen : or person receiving in one part of the united kingdom goods stolen in another, indicted where he shall receive or have them, II. 1179

accessaries before the fact how indicted, &c. II. 1180

persons charged with treason or misprision of treason out of the realm, indicted, &c. in the king's bench, or before commissioners, and how, II. 1171, 2

persons examined before privy council upon charge of treason, misprision of treason, or murder, or as accessaries before the fact in murder, or for manslaughter, may be indicted before commissioners, II. 1172, 3

for felonies committed in Wales, II. 1174

for capital crimes in Newfoundland, II. 1174

governors, &c. of colonies, how indicted, &c. in England, II. 1174

in king's bench for offences in India, II. 1175

(or information) in king's bench, England, for crimes and misdemeanors committed by civil or military officers out of Great Britain, and offence laid in the county of Middlesex, and commissions for the examination of witnesses thereupon, II. 1175 to 1179

for offences within cities, &c. may be in adjoining counties; or if found in cities, &c. may be removed into adjoining counties; and sentence executed within the counties where the convictions shall be, or in the cities, &c. where offences committed, II. 1180 to 1184. *Ad. I.* 142

to be in English and not in court hand, II. 228

certain formal words in, dispensed with, II. 1185

to be found by liege people, returned by sheriffs, &c. and not by persons outlawed : outlawry in civil suit shall not avoid act of grand juror, II. 1166. 1199

papists not to be grand jurors unless in default of protestants, *Ad. I.* 141

to be found by grand juries upon *viva voce* examination of witnesses for the crown : but court may lay informations, &c. before them, *Ad. II.* 484

justices, &c. may issue process to any county against party indicted, *Ad. I.* 144

what process upon indictments previous to outlawry pronounced, II. 1190, 1. *Ad. I.* 143

treble damages for maliciously procuring indictments, II. 1191

what process upon indictment removed by *certiorari*, &c. II. 1192

INDICTMENT, *continued*.

capias and proclamation awarded, in chancery, against great offenders who abscond, &c. II. 1192. 3

prisoners and indictments removed into king's bench, may be remitted to proper counties to be tried, II. 1194

process upon indictments in counties palatine, &c. shall be in the name of the king, &c. II. 1195

persons committed for treason or felony, must be indicted the next term, &c. after commitment, or bailed, (unless witnesses cannot be produced) : and if not indicted and tried in the 2nd term, &c. discharged, II. 1208

See ADDITIONS, ADMINISTERING OATHS, CONSPIRACY, COURT-LEET, PERJURY, SLANDER, TREASON, &c.

INDORSEMENT. See **BILLS OF EXCHANGE**, **FORGERY**, **PROMISSORY NOTES**.

INDUSTRY. See **POOR**.

INFANTS

nonage of heir of disseisor or disseisee, shall not prevent writ, &c. nor nonage of disseisee, II. 216

where husband aliens wife's estate, nonage of his heir shall not delay her suit, II. 217

if heir summoned in *scire facias* on judgment in debt, prays that parol may demur, guardians appointed, II. 217

eloined, may sue by their next friends, *Ad. I.* 77

See **ABDUCTION**, **CHILDREN**, **EQUITY**, **GUARDIANS**, **MARRIAGE**, **PARLIAMENT**, **RAPE**, &c.

INFECTED PERSONS. See **NURSES**, **QUARANTINE**.

INFERIOR COURTS. See **COURTS INFERIOR**.

INFIRMARIES. See **HOSPITALS**.

INFORMATIONS AND INFORMER

clerk of the crown not to exhibit, &c. in the name of the king's coroner or attorney, any, without recognizance of party procuring the same, as security for costs, II. 1186

pleas thereto good, notwithstanding demise of the king, unless defendants, within 5 months after, obtain leave to plead again, II. 1186

no informer or plaintiff shall compound information or suit upon any penal statute, until after plea, nor without leave of court, II. 605

See **ACCUSATION**, **EXAMINATIONS**, **INDICTMENTS**, **PENAL ACTIONS**, &c.

INHABITANTS. See **CORPORATION**, **PARLIAMENT**.

INJUNCTION

to restrain proceedings in ejectment obtained, &c. on what terms, II. 137. 140-1

shall not issue for want of an answer upon bill to stop any proceedings at law for recovery of rent, unless bill verified, II. 342

to stay proceedings at law, shall not stop plaintiff's declaring, enforcing a plea, or proceeding to trial, unless on equity confessed, or court orders otherwise, II. 342

INLAND TAXES. See **ASSESSED TAXES**.

INMATES. See **VAGRANTS**.

INNOLDERS. See HOSTLERS.

INNS OF COURT. See BARRISTER.

INQUEST. See ASSIZES, CORONERS, INQUISITION, JUSTICES OF PEACE.

INQUIRY. See EXECUTION, EXECUTORS.

INQUISITION

inquests of office traversed ; lands seized under an inquest let pending traverse ; inquests returned into chancery or exchequer ; person tendering traverse to find surety before land leased to him, II. 164-5

no land granted by patent till king's title found, II. 165

no protection where *scire facias* against patentees, II. 165

persons having leases, &c. to continue to hold, though their titles omitted to be found, II. 165

traverse by persons untruly found lunatics ; and to lands untruly found to belong to traitors, &c. II. 166

proceeding by *scire facias* upon such traverses, II. 166

See CORONERS, ESCHEATORS, KING'S DEBTS.

INROLMENT. See ANNUITY, BARGAIN AND SALE, FINES, RECOGNIZANCES.

INSANE. See LUNATICS.

INSOLVENTS

charged in execution discharged upon petition of prisoners to court, containing schedule of their property to be assigned, II. 295-6

notice to creditors, affidavit verifying petition and schedule, II. 296-7

assignment how made, effect thereof, II. 297-8

remanded at the instance of creditors : brought up a second time : discharged unless weekly allowance by creditors, II. 299, 300

refusing to take oath, or guilty of falsity therein, or refusing to execute assignment, to remain in execution, II. 299, &c.

discharged at assizes or general or quarter sessions, when in gaols distant from Westminster, II. 300, 1. *Ad.* II. 295-6

prisoners under execution for 3 months brought up at the instance of creditors for obtaining a discovery of their property : notice to prisoners, creditors, sheriff and gaoler, II. 302-3

effects thereupon distributed among creditors consenting to discharge : future effects of such prisoners liable ; and execution upon such judgments at any time against such future effects, II. 304-5.6

refusing to disclose or assign their effects when so brought up by creditors, transported for 7 years, II. 305

assignees responsible to court, and may be removed, II. 306, 7

time enlarged for their discharge, in cases of neglect arising from ignorance or mistake, *Ad.* I. 82

INSOLVENTS, *continued.*

- the court for relief of insolvent debtors established, &c. *Ad. II. 255. 287*
- nature of petition to such court, and schedule thereto, and of oath verifying the same, *Ad. II. 255 to 260. 288*
- copy of petition, &c. served on creditors, or, if creditors numerous, notice in gazette, &c. substituted, *Ad. II. 260, 1. 288, 9. 294*
- proceeding when creditors beyond sea, &c. *Ad. II. 261, 2.*
- on hearing petition, creditors may require them to be examined touching petition, &c. *Ad. II. 262*
- may be brought up from time to time, *Ad. II. 263*
- court may order them to be examined, &c. by justices of peace, *Ad. II. 263. 289. 294*
- proceeding to discharge them and appoint assignees, *Ad. II. 264. 289*
- provisional assignees and receiver when appointed, &c. *Ad. II. 291*
- engagement to pay creditors out of future effects, and judgments and executions thereupon, *Ad. II. 264, 5*
- engagement to be by recognizance, *Ad. II. 292*
- their effects assigned and copyholds surrendered, *Ad. II. 264, 5*
- court may postpone sale of estate and order mortgage, &c. *Ad. II. 265*
- reward for discovering property concealed; penalty for concealment, *Ad. II. 266. 7*
- may be examined before court or justices of peace though discharged, and how punished for refusal, &c. *Ad. II. 267*
- their estate how vested in assignees; duty of assignees in respect to selling and dividing the same, *Ad. II. 268, 9*
- court may order assignees to account, &c. upon application of prisoners or creditors, *Ad. II. 270*
- debts of creditors how proved, *Ad. II. 270*
- creditors by annuity, &c. to receive dividends as in cases of bankrupts, *Ad. II. 271*
- engagement of prisoner shall not make him liable to interest upon debts from the time of his discharge, unless specially ordered, *Ad. II. 271*
- discharge not to prejudice mortgages, or executions delivered, *Ad. II. 272*
- assignees with consent of creditors may commence suits, compound debts, or refer them to arbitration, *II. 306, 7 Ad. II. 271, 2*
- their powers of leasing, &c. vested in assignees, *Ad. II. 272*
- proceeding in cases of clergymen, or officers in army or navy, *Ad. II. 273*
- assignees removed, or in case of death, &c. new ones appointed, *Ad. II. 274*

INSOLVENTS, *continued*

assignees punished for not duly accounting, &c. *Ad. II.*
274

if arrested after being discharged, how relieved, *Ad. II.*
275

pleading in actions brought against them, or gaoler, &c.
in respect to debts from which they have been dis-
charged, *Ad. II.* 275, 6

proceeding to annul discharge improperly obtained,
Ad. II. 276

proceeding where after their discharge they have effects
to pay all or part of their debts, *Ad. II.* 277

proceeding where they die after discharge, leaving as-
sets, *Ad. II.* 278

committed for contempts in not paying money or costs,
entitled to be discharged as if imprisoned for debt,
Ad. I. 82, 3. *Ad. II.* 279

several cases of fraud, criminality, &c. in which they are
excluded from the benefits of their discharge altoge-
ther, or until after a certain term of imprisonment,
or unless with consent of creditors, &c. *Ad. II.* 279
to 283. 294. 300

foreigners how far entitled to be discharged, *Ad. II.*
284

time allowed for answering objections to discharge on
ground of misconduct: if misconduct trivial, court
may discharge: or discharge may be with exception
of particular debts, *Ad. II.* 284

proceeding for their discharge when insane, *Ad. II.*
284, 5, 6

petition, orders, &c. produced to them, or creditors, &c.:
attested copies thereof, unstamped, evidence, *Ad. II.*
286, 7

formal errors, &c. in petition, &c. amended, *Ad. II.* 287

court for their relief when and where holden, *Ad. II.* 287

court may order sheriff, &c. to bring prisoner before
court or justice of peace; proceeding when brought
before justices, *Ad. II.* 289. 290, 4

court or justices may examine gaolers, &c.: and sheriffs,
&c. indemnified for obeying orders of court or justices,
Ad. II. 291

affidavits of service of notices, &c. before whom sworn,
Ad. II. 292

forms of notices of hearing petitions; and of examination
before justices, *Ad. II.* 293

every notice to creditors to contain an offer by them to
be fully examined touching their conduct to them, *Ad.*
II. 294-300

analogous provisions in respect to Ireland, *Ad. II.* 255
to 287-296

proceeding where confined under process of two or more
courts, *Ad. II.* 297

in county gaols (except Dublin) discharged at assizes,
Ad. II. 297

INSOLVENTS, *continued.*

where prisoner discharged by an inferior court, creditor who could not have sued therein not barred, unless he received a dividend, *Ad. II. 299*

may be discharged in vacation if not in custody in time to apply during term, *Ad. II. 299*

INSTANCE COURT OF ADMIRALTY. See ADMIRALTY.

INSURANCE. See ASSURANCE, BURNING, LOTTERIES, MISCHIEF.

INSURRECTION

extraordinary sessions how summoned for notifying to lord lieutenant the disturbed state of counties, &c. *Ad. II. 377*

such counties, &c. how proclaimed thereupon : effect thereof : duty of clerk of the peace in respect thereto, *Ad. II. 377, 8, 9*

serjeant or king's counsel to preside at special sessions : assistant barrister of county to attend, *Ad. II. 379*

idle and disorderly persons tried summarily at such sessions : but court may summon a petty jury, *Ad. II. 380*

execution of judgment, &c. suspended, unless serjeant, &c. concurs, *Ad. II. 381*

such sessions to summon witnesses, &c. : proceedings recorded, *Ad. II. 381*

persons out of their houses between sun-set and sunrise deemed idle and disorderly : houses of suspected persons searched, *Ad. II. 381, 2*

persons taking unlawful oaths ; having arms concealed, &c. ; assembling in public houses at night, or tumultuously in the day time, deemed disorderly, *Ad. II. 382, 3*

disorderly persons transported and transmitted immediately, *Ad. II. 383*

proceeding at such sessions final, *Ad. II. 383*

persons hawking seditious hand-bills how punished, *Ad. II. 384*

2 justices may order registered arms to be delivered up, &c. *Ad. II. 384*

such sessions to try idle and disorderly persons only ; but to have power of punishing for contempts, removing peace officers, &c. *Ad. II. 384, 5*

magistrates of counties may act in cities, and *vice versa*, *Ad. II. 385*

informations to be returned immediately, *Ad. II. 385*

persons executing this insurrection act protected against vexatious actions, *Ad. II. 385, 6*

expenses of executing how defrayed, *Ad. II. 387, 8*

lord lieutenant and council may revoke proclamation, *Ad. II. 386*

INTEREST

of money reduced to £5. *per cent. per annum*, in England, and £6. *per cent.* in Ireland, I. 605. *Ad. I. 48*

INTEREST, continued.

mortgages, &c. executed in Great Britain affecting lands in Ireland may bear £6. *per cent.* interest, I. 606

See ACCUMULATION, USURY.

INTESTATE. See ADMINISTRATION.

INTRUSION

pleading, &c. in informations of, II. 174

INVASION. See HABEAS CORPUS, MILITIA, &c.

INVENTORY. See EXECUTORS.

INVOLUNTARY TRESPASS. See AMENDS, TRESPASS.

IRELAND

how English laws became of force in, Preface i to xiii
crown, church, and parliament of, united to those of G.
Britain, Preface xii. I. 15. 20. 150, 6

people of, required to use English language, names,
dress, &c. II, 792

IRISHRY. See TREASON.

IRON. See LARCENY, MINES.

ISSUES

what shall be contained within the name of, II. 191

See JURY, PROCESS, &c.

JEOFAILS. See AMENDMENT, ERROR.

JESUITS. See CATHOLICS, PRÆMUNIRE.

JETSAM. See SALVAGE, WRECKS.

JEWELS. See RECEIVERS.

JEWS

excepted out of the naturalization act and marriage act,
I. 308. 409

JOINT-TENANCY. See ACCOUNT, PARTITION.

JOINTURE. See DOWER.

JOURNEYMEN. See COMBINATION.

JUDGES

their commissions *quam diu se bene gesserint* ; and not to
depend upon pleasure or life of king, I. 158, 9

their salaries, and annuities on retiring, augmented, *Ad.* II.
29

oath to be taken by them, II, 50. *Ad.* I. 61

killing, while in discharge of duty, high treason, II. 479

JUDGMENT

priority of, with respect to deeds unregistered, I. 551

memorial and affidavit of assignments of, inrolled, I. 594, 5

assignees shall stand in the place of assignors, I. 595

as in case of a nonsuit where filing declaration, or bring-
ing cause to trial, delayed, II. 200. 256

entered within 2 terms after verdict though party dead,
II. 264

death of party after interlocutory judgment no abatement,
II. 264, 5

to relate to the day of signing, [or bringing to be entered
upon record,] as against purchaser, II. 265, 6

alphabetical docket how made of judgments by confession,
&c. II. 266, 7

JUDGMENT, *continued.*

if not so docketed shall not bind purchasers, &c. II. 267
 negative certificates of judgments, statutes, &c.: and
 penalty for neglect or fraud in giving them, II. 267 8
 warrants for satisfaction of, to be verified by affidavit, II.
 268

SEE AMENDMENT, ATTAINDER, COSTS, ERROR, FE-
 MALES.

JURE PATRONATUS. See ADVOWSON.

JURIS UTRUM

vicars and wardens of chapels shall have this writ, II. 163

JURY

clause of *nisi prius* inserted in *venire*, II. 43

no inquests (except of assize and goal delivery) shall
 be taken, unless panels previously returned in court,
 II. 231, 2

qualification for in respect of age, residence, and estate,
 II. 232, 3, 4, 6. 1204

form of writ of *venire*: to be awarded of the body of
 proper county: returning hundredors how far dispen-
 sed with, II. 234, 5, 6. 1205

additions of dwelling place, &c. to be returned, II. 236, 7
 what issues returned upon jurors, and how discharged:
 penalty for returning issues upon jurors not summoned,
 II. 237, 8

writ *dé non ponendis in assisis*, &c. how granted, II. 238.
Ad. I. 78

constables, &c. to return lists of jurors to sessions and
 when: duplicates delivered to sheriffs: how summon-
 ed: penalty for sheriffs' neglect or undue return, II.
 239. 240-4

exceptions as to cities, &c. II. 233, 4, 8. 240. 1204

justices at quarter sessions after 24th June, to issue war-
 rant to head constables requiring them to issue pre-
 cepts to constables for preparing lists, II. 240, 1

grand panel of freeholders how returned by sheriffs,
 yearly, at January sessions: copy transmitted to supe-
 rior courts, II. 241

lists of, to be yearly fixed on doors of churches, &c.: du-
 plicates transmitted to sheriffs: persons improperly
 inserted relieved at quarter sessions: penalties on de-
 faults of officers, sheriffs, &c. in the returning, sum-
 moning, and recording appearances of jurors, II. 242,
 3, 4

sheriffs to register those who have served, and give certi-
 ficates, II. 243, 6, 7

provisions for ease of jurors in Middlesex, York, Dublin,
 &c. II. 240, 3, 6

constables, &c. to subscribe and verify lists before justices,
 II. 244

panel to be annexed to *venire*: *distringas*, &c. need not
 have names in panel inserted, but refer to it, II. 244, 5
 how returned in Wales, and counties palatine, II. 245
 how ballotted for and sworn in, II. 247

JURY, continued.

- returned, &c. in like manner by coroners, &c. II. 248
- ancient law as to associating witnesses to deeds with jury, II. 248
- how summoned and sworn when viewers appointed, II. 249
- tales* how awarded and returned, &c. II. 249. 250-1
- special juries how struck: in what causes: how in cities: expenses attending them how paid: how summoned; fined for non-attendance, &c. II. 252, 3, 4
- tales* and ballot ordered in default of special jurors, II. 253
- issues when and how tried by *nisi prius* in Middlesex and Dublin, II. 254
- writ of *nisi prius* when grantable at the instance of jurors, II. 255
- venire de novo* where plaintiff does not proceed to trial at first assizes: form of such writ, II. 255
- venire* by *proviso* sued out by defendant or tenant, II. 256
- what notice of trial required, II. 257
- no challenge to array for want of a knight being returned, II. 257
- inquest *de medietate lingue* where alien a party, II. 257
- consanguinity or affinity not within the 5th degree no principal challenge, *Qu?* II. 258
- challenges on the part of the crown to be for cause, II. 1204
- justices of gaol delivery, &c. may require sheriffs, &c. to amend panels, II. 1205
- none to be returned in criminal cases who are not qualified to serve as jurors in civil cases, *Ad.* I. 145
- See ARRAIGNMENT, CATHOLICS, COURTS INFERIOR, MARKET JURIES, &c.

JUSTICES OF ASSIZE. See ASSIZE.**JUSTICES OF GAOL DELIVERY. See COMMISSIONERS OF OYER AND TERMINER.****JUSTICES OF PEACE**

- to be of the best reputation in the several counties: their ancient jurisdiction, and qualification, &c. I. 240, 1
- discretion of chancellor as to appointing them, I. 241, 2
- qualification required by modern statutes, and oath in respect thereto: penalty for acting without such qualification, I. 242, 3, 4
- exception as to cities, &c. and peers, judges, great officers, &c. I. 245
- oaths of allegiance, supremacy and abjuration, to be taken by, I. 245, 6
- oath of office administered to them, I. 246, 7
- their orders not impeached for not being expressed to be made by justices of the *quorum*: and valid in cities though not by justices of *quorum*, I. 247
- attornies, solicitors and proctors, incapacitated to be, I. 247, 8
- sheriffs shall not act as justices, I. 216

JUSTICES OF PEACE *continued*

- commissions not determined by death of king, I. 248
- oaths not required to be taken a second time during the reign of the same king ; and not necessary for any justice to sue out a second *dedimus potestatem*, I. 248, 9
- if left out of renewed commission, then necessary to qualify again, I. 248, 9
- commission not superseded by being made a peer, &c. I. 249
- proceedings before them not discontinued by new commission, II. 1113
- commission for town corporate not superseded by one for county, I. 250
- fees of them and their clerks, I. 250, 1
- empowered to administer oaths for levying penalties, I. 590
- empowered to receive fines imposed out of sessions ; but to keep accounts of the same, and transmit copies to clerks of the peace, &c. and notice to be given to parties entitled to any proportion thereof, I. 591, 2
- they shall hold their sessions four times in the year by 3 days, and oftener if need be, II. 1112
- the Michaelmas quarter sessions when holden, *Ad.* II. 467
- their sessions held 8 times in the year in Ireland, II. 64
- recorders of cities may in case of sickness, &c. appoint deputies ; but no trial shall be proceeded on at sessions in the absence of recorder or his deputy, II. 1118, 9
- upon appeals to sessions mere defects in form amended, II. 1117
- they shall be resident in their proper shires, except peers, judges, &c. II. 1112
- of counties residing in cities situate within or adjoining &c. thereto, may act for such their counties, II. 1129. 1130
- a justice for 2 adjoining counties may act for either, if resident in one, and sheriff, &c. may convey offenders into adjoining county before him, &c. or through adjoining county to gaol of proper county, II. 1131
- may act in execution of laws concerning parochial taxes, &c. though interested as inhabitants, II. 1133
- pleading and costs in actions against them for any thing done by virtue of their offices, II. 144 to 148
- notice specifying cause of action, &c. to be served a month before action : and amends may be tendered, &c. II. 146, 7
- in actions against them for levying any penalty, &c. *2d.* damages only recovered unless malicious, &c. II. 145
- actions not to be brought against constables, &c. acting by their orders, without joining them, unless copy of warrant refused ; what costs in such cases if verdict for plaintiff, II. 147
- if no sufficient distress in the county where warrant granted for levying penalty, such warrant how indorsed, and executed in another county, II. 1132

JUSTICES OF PEACE, *continued*

- empowered to sell distress made for penalties, II. 1134
- where term of imprisonment by justice is undefined in statute, how the committal shall be, II. 1133
- offenders apprehended in cities may be sent to house of correction of county, if city contributory, II. 1132
- may commit vagrants, &c. to common gaol or house of correction, II. 1134. *Ad.* I. 136
- in Ireland may commit to bridewell for any crime, *Ad.* I. 136
- empowered to award costs, and enforce payment, II. 1135
- though directed by statute to commit to gaol, may commit to house of correction, II. 1134
- at sessions may make and alter rules as to costs, II. 1136
- of cities, &c. removable if convicted of breach of duty, &c. upon information filed in king's bench, II. 1136
- See ASSISTANT BARRISTER, CERTIORARI, CLERKS OF THE PEACE, ESCAPE, EXAMINATIONS, OATHS, OFFICERS, RENTS, TITHES, &c.

JUSTIFIABLE HOMICIDE. See HOMICIDE.

JUSTIFYING BAIL. See BAIL.

KEEPER. See CHANCELLOR.

KIDNAPPING. See CHILDREN, IMPRISONMENT.

KILLING. See HOMICIDE, MISCHIEF, MURDER.

KILMAINHAM. See CHAIRMAN.

KING,

- historical deduction of his title, I. 148 to 150
- succession to crown limited : settlement confirmed, I. 150, 1
- right of royal family to inherit though born out of the kingdom, I. 151
- right of females to succeed to the crown declared, I. 152
- not subject to coercive power of lords, commons, or people, I. 13
- asserting legislative authority of both or either house of parliament without the king, a *præmunire*, II. 547
- denying the right to succession as limited, or the right of the king and parliament to limit the crown, a *præmunire*, II. 548
- marriages of royal family without consent of king and council restrained : penalty for solemnizing them, &c. I. 152, 3
- his duties expressed in coronation oath, I. 154
- to be neither papist nor married to a papist, I. 151, 3
- to make the declaration against popery, I. 155
- to be sworn to maintain church of England, &c. I. 155, 6
- declared head of the church, I. 164, 5. II. 535. *Ad.* I. 11
- other branches of his prerogative, I. 157 to 164
- sketch of various sources of his revenue, I. 165 to 209

KING, *continued*

demise of, how it affects parliament ; privy council ; officers civil and military ; judges ; justices of peace ; proceedings in courts of law, equity, ecclesiastical, &c. I. 146, 7. 153. 359. II. 216. 1110

leases of crown lands for what rent, at what term, &c. sale of unimproveable rents, &c. allowed : waste lands, and small parcels intermixed, &c. with lands of individuals exchanged and sold : commissioners of king's woods, &c. authorized to purchase lands adjacent to forests, &c. and sell others ; alienation of allowed for churches, glebes, &c. and for improvement of Westminster, I. 174, 5. *Ad.* I. 22. *Ad.* II. 33, 4

king may alienate his private estate, *Ad.* I. 11

non-payment of his rents, &c. no forfeiture, if rents, &c. paid before process issued touching forfeiture, II. 170

disabled to sue for lands, &c. where the right thereto hath not accrued, nor the rents been duly in charge, within 60 years ; except reversions, &c. II. 170, &c.

ecclesiastical persons not liable to arrears of rent due to the king, before their titles accrued, II. 173

See TREASON and other heads of offences injurious to the king's prerogative, or to the king and government, &c.

KING'S DEBTS,

his debts by specialty in what form acknowledged ; shall have the force of a statute staple, &c. : debts, costs, and damages recovered thereon ; suits for, in what court, and by what process and execution recovered ; pleading in such suits general ; king's suits preferred ; heir how far chargeable ; lands in the hands of several tenants how charged ; estate of debtors sold, II. 320 to 330

proceeding by *scire facias* against heir of king's debtor II. 325, 6

his debtor chargeable with 12 *per cent. per ann.* for overholding money, II. 327

commission out of exchequer to ascertain debt : information by attorney-general for sale of land, &c. thereupon, II. 329

assignment of debts to king by king's accountant restrained, II. 330

statutes of jeofails extended to suits for king's debts, II. 330

record of king's debt in England transmitted to Ireland, and *vice versa*, II. 330, 1

bail bonds taken in king's suits assignable, II. 331

all *fiats* for issuing extents in aid shall specify the debt due to the king, and the debt found due to the king's debtor shall be indorsed on said writ ; and money levied paid to the king, *Ad.* II. 305

certain debtors of the king excluded from suing out extents in aid, *Ad.* II. 306, 7

KING'S DEBTS, continued.

court of exchequer, &c. may discharge any person taken upon a *capias* in any extent in aid, *Ad. II.* 307, 8
 public accountants how acquitted for money issued from treasury in Ireland, *Ad. II.* 308

KING'S BENCH.

the justices of this court shall follow the king, *II.* 37
 matters touching treason, felony, or trespass, remitted to, *II.* 1166

See EXCHEQUER CHAMBER, INDICTMENT, &c.

KING'S COUNCIL,

may be justices of assize and commissioners of *oyer and terminer*, *II.* 47

papists, &c. excluded from, upon relaxation of popery laws, *I.* 303

KING'S INNS. See BARRISTER.**KING'S PALACES,**

treasons, &c. and malicious strikings within the king's palaces, &c. how tried and punished, *II.* 577, &c.

KING'S STORES, SHIPS, &c.

embezzling king's naval, ordnance, or victualling stores, a capital felony, : persons selling, receiving, or concealing them, transported : but how punished if under 20s. value, *II.* 514, 6, 9

penalty for making naval, ordnance, or victualling stores, with the marks used upon the king's stores ; and on persons in whose custody stores so marked are found, *II.* 514, 5, 6, 7. *Ad. II.* 362, 3

persons defacing the marks of the king's stores, how punished, *II.* 517, 8

English statutes respecting the embezzlement, &c. of the king's naval, ordnance, or victualling stores, extended to Ireland, *Ad. II.* 361

the provisions of the statutes respecting the using the mark to denote the king's property in his naval, ordnance, or victualling stores, or having, &c. stores so marked, or defacing the king's marks, extended to all public stores, *Ad. II.* 362

burning or destroying the king's ships of war, or materials for building them, or his majesty's military, naval, or victualling stores, or any place where they are stored, a capital felony, *II.* 519

KING'S GAP OR SHARE. See FISH.**KITES. See GAME.****KNIGHTHOOD,**

no person to be compelled to take upon him the order, *Ad. I.* 2

KNIGHTS. See ABATEMENT, JURY.**KNIGHT-SERVICE. See FEODAL TENURES.****KNOCKERS. See LARCENY.****LABOURERS. See ARTIFICERS, COMBINATION, HOLIDAYS, VAGRANTS, WAGES, &c.**

LAMBS. See LARCENY, MISCHIEF.

LAND. See AGREEMENT, BURNING, CONVEYANCE, DEVISE, TRUST, &c.

LAPPER. See FORGERY.

LAPSE,

of six months when it shall not prejudice the king, I. 511
donatives augmented by trustees of first fruits, subject to,
I. 511

See LEASES.

LARCENY AND ROBBERY,

ancient proceeding in chancery against servants embezzling their masters' goods after their death, II. 922, 3
servants embezzling goods entrusted to them to the value of 40s. declared guilty of felony; (this offence made capital in Ireland,) II. 923, 4. *Ad. I. 120*

clerks, &c. embezzling money, &c. though never in the actual possession of their employers, transported, II. 924. *Ad. I. 120*

clerks of bankers, &c. embezzling money, notes, &c. to the value of £50. guilty capitally, and receivers also, II. 924, 5

clerks of the bank of England, (or Ireland) embezzling notes, &c. deposited with them, or in bank, guilty capitally, II. 925

bankers, brokers, &c. negotiating or embezzling. &c. securities for money, or other effects deposited with them, transported: proviso as to sales to satisfy liens, &c. *Ad. II. 439 to 441*

clerks, &c. of post office embezzling, &c. letters containing securities, &c. or parts thereof, or stealing out of any letter, &c. any such security, &c. guilty capitally, II. 926, 7, 8. *Ad. II. 441, 2*

what shall be evidence of such securities: of the officers of the post-office being such, and of the establishment of the post-office, II. 929. 930

clerks, &c. of post office converting to their own use the postage of letters, or fraudulently advancing the rates of postage, guilty of felony, II. 927

in Ireland opening, embezzling, or destroying letters, &c. after they are delivered into post office, or to carrier, unless by warrant of lord lieutenant, or permitting others to do it, a capital felony, II. 956, 7

persons entrusted with public money embezzling same, transported, &c. *Ad. I. 121*

embezzlements in various branches of trade and manufacture by workmen employed therein, II. 930, 1

embezzling furniture, &c. let to use with lodgings, II. 931

cutting, &c. corn growing, robbing garden or orchard, or breaking the hedges, &c. thereof, II. 931, &c.

cutting, &c. wood or underwood, &c. how punished: powers of constables, &c. for apprehending offenders &c.; owners compensated, II. 932 to 940

law, &c. against cutting, &c. trees how far extended to

LARCENY AND ROBBERY, *continued.*

- commons, and to the king's forests, &c. woods and wood-grounds, II. 936, 9. 940
- persons cutting, &c. timber trees in the night time, transported, II. 937
- corresponding or analogous provisions of the Irish statutes in respect to robbing gardens, orchards, or corn fields, or stealing, &c. trees, shrubs, wood or underwood, II. 931, 2. 941 to 949
- stealing, &c. madder-roots, how punished, II. 949
- stealing, &c. any root, shrub, or plant, out of fields, nurseries, gardens, &c. by day or night, how punished, II. 931, 2. 949. 950, 1
- stealing shrubs, plants, or roots in Ireland, how punished, II. 931, 2. 942, 3
- stealing, &c. lead, iron-bar, gate or rail, &c. or copper, brass, &c. fixed to any dwelling house, or fixed in any garden, &c. [or brass or iron knocker,] II. 951, 2
- accessaries to such offence of stealing lead, &c. or buying or receiving the same, how punished, II. 590 to 596. 951, 2
- provisions in respect to searching for stolen lead, &c. II. 591 to 596
- entering forcibly into mines of wad or black lead, or unlawfully taking away any wad, &c. therefrom; or buying or receiving, II. 953
- unlawfully cutting, raising, &c. from any bed, &c. in any unenclosed lands, coal or other mineral, or entering any shaft, &c. for the purpose, II. 1031
- in indictments for stealing property from mines, not necessary to set out the names of all the partners or part owners, *Ad.* II. 443
- embezzling (or vacating) records, a felony, II. 581
- stealing, &c. bills, notes, or other choses in action, felony of the same degree as if other goods were stolen, II. 954, 5. *Ad.* I. 121. *Ad.* II. 443
- robbing, or stopping with intent to rob, any mail, or stealing any letter, &c. out of any mail, &c. a capital felony, and where tried, I. 955, 6, 7. *Ad.* II. 442
- stealing pump from vessel in distress, putting out false lights, or doing any thing tending to immediate loss of vessel: or stealing any goods, or preventing the escape of any person from such vessel, a capital felony, II. 958. *Ad.* I. 122
- powers of justices of peace, officers of customs, or excise, in respect to cargo, &c. of vessels stranded, &c. II. 959, 960
- duty of clerk of the peace, &c. in respect to prosecuting persons plundering wrecks, II. 960
- persons having possession of any part of any wreck, &c. and not giving notice thereof how punished: and refusal &c. to deliver the same, a felony, II. 961. 976
- stealing horses, &c. a capital felony, and accessaries before or after also ousted of clergy, II. 977, 8

LARCENY AND ROBBERY, *continued.*

- stealing sheep, bull, cow, ox, &c. or killing them with intent to steal their fat, or carcasses, a capital felony : reward to prosecutors, &c. II. 978 to 982
- persons stealing cows, &c. not exceeding 2, or calves, sheep, &c. not exceeding 10, if recommended by grand jury, only burned in the hand, II. 980
- power of constables, &c. to search for sheep, &c.: persons in whose possession such sheep, &c. shall be found, how punished, II. 981
- stealing dogs, or buying, receiving, &c. them knowingly when stolen, II. 982 to 985
- stealing cloth, &c. from the rack or tenter, (for drying) : or being found in the possession of it, II. 985, 6
- stealing, &c. linen, fustian, or cotton goods from house or ground used for printing, bleaching, &c. to the value of 10s. II. 987. *Ad. I.* 123
- stealing linen, hempen or cotton yarn or cloth, &c. or materials or utensils used in bleaching the same, above 5s. value, II. 987. *Ad. I.* 124
- stealing goods value 5s. out of linen-hall or yarn-hall, Dublin, II. 988
- provisions as to search for materials of cotton or woollen manufacture : or linen-cloth, linen-yarn, calico, muslin, &c. II. 988 to 992
- stealing goods value 40s. in any ship, or upon any wharf or quay, a capital felony, II. 992
- stealing goods value 5s. on any quay, &c. a capital felony in Ireland, II. 993-8
- penalty for stealing coal, &c. wood, iron, ropes or leather, not exceeding 5s. value, or stealing, breaking, &c. any tools, &c. for cutting or getting coal, &c. or other minerals, II. 993, 4
- robbing churches or chapels, or stealing thereout any goods, a capital felony, II. 995
- taking goods out of dwelling house, the owner, &c. being therein, and put in fear ; or robbing any dwelling house in the day time, any person being therein, a capital felony, II. 995, 6
- robbing houses, &c. in the day time, of money or goods to value of 5s. though no person therein, a capital felony, II. 996, 7
- stealing to value of 5s. out of any dwelling house, &c. although no breaking, nor person therein, a capital felony, II. 997
- privately stealing to value of 5s. from shop, ware-house, coach-house or stable, [tan-yard or drying house, cellar or out-house,] though no breaking, or person therein, a capital felony, II. 997, &c.
- * stealing privily from the person, without force or putting in fear, how punished, II. 999

* The clause of the 9 Ann. c. 6. Ir. stated page 1000, has been repealed (since this supplement was put to press) by the 58 Geo.3. c. 68. I.

LARCENY AND ROBBERY, continued.

robbing any person in a dwelling house, the owner, &c. being within, and put in fear, or robbing any person in or near the highways, a capital felony, II. 1000-1

robbing any person in a dwelling house, though the owner be only in the precincts of [or about] the part robbed, or though he, his wife, &c. be asleep, a capital felony, II. 1000, 1-2

robbing any person in any booth or tent in any fair or market, the owner, &c. then being within the same, sleeping or waking, a capital felony, II. 1001-2

convicts of larceny may be sent to house of correction for 2 years, or not less than 6 months, *Ad. I.* 148

court may substitute transportation for burning in the hand or whipping, in convictions for larceny, II. 1220, 8

See BENEFIT OF CLERGY, INDICTMENT, RECEIVERS.

LATIN

how far allowed to be used in admiralty proceedings, II. 229

when used in divine service, II. 379. 382

LAWN. See MISCHIEF.

LAWYERS. See BARRISTERS.

LAZARETS. See QUARANTINE.

LEAD. See LARCENY, MINES.

LEAP YEAR. See CALENDAR.

LEASES

by tenants in tail, &c. in their own right, or in right of their churches or wives, or jointly with their wives; not made in reversion nor without impeachment of waste, nor exceeding 21 [41] years, and reserving accustomable rent, binding on lessors, their wives, heirs and successors, I. 520, 1

estates, &c. made by livery and seisin only, or by parol and not put in writing, and signed by parties, estates at will only, I. 518

estates, &c. not to be assigned, granted, or surrendered (except copyhold) unless by deed or note in writing, &c. I. 518

may be renewed without surrender of under-leases, I. 535

persons having power to make leases for lives, may let for years determinable on lives, I. 536

tenants for life, &c. may demise 50 acres of bog for 61 years, II. 536

tenants entitled to renewals relieved in equity against lapse, if no fraud; but barred if renewal fines not paid within a reasonable time after demand: demand how made, II. 342, 3

See ECCLESIASTICAL PERSONS, EQUITY.

LEASE AND RELEASE. See BARGAIN AND SALE.

LECTURERS. See BOOK OF COMMON PRAYER.

LECTURES. See ASSEMBLIES.

LEET. See COURT LEET.

LEGACIES. See CHARITIES, DEVICES.

LETTERS. See FORGERY, LARCENY.

LETTERS OF ADMINISTRATION. See ADMINISTRATION.

LETTER OF ATTORNEY. See FORGERY.

LETTERS OF MARQUE

made out in chancery, if restitution or satisfaction not made in pursuance of letters of request, I. 157

LETTERS MISSIVE. See BISHOPS.

LETTERS PATENT. See PATENTS.

LETTERS THREATENING. See THREATENING LETTERS, &c.

LEVITICAL DEGREES. See MARRIAGE.

LEVYING WAR. See TREASON.

LEZING OF CORN. See VAGRANTS.

LIBELS

on trials for, jury may give a general verdict : judge to give his opinion and direction to jury as in other cases, II. 661, 2

printers of newspapers, &c. to deliver to commissioners of stamps, affidavits containing names, &c. of proprietors, printers and publishers, &c. : affidavits how made, signed, &c.; such affidavits, or certified copies thereof, conclusive evidence of the truth of all the matters therein set forth, *Ad. I. 106, 7, 8*

name, &c. of every printer, &c. to appear on every newspaper, &c. *Ad. I. 108*

discovery of names of printers, &c. enforced in equity, *Ad. I. 111*

what shall be evidence of publishing, &c. a newspaper, *Ad. I. 108, 9*

what shall be good service of legal process upon printers, &c. *Ad. I. 109*

an impression of every newspaper, &c. to be delivered to commissioners of stamps, *Ad. I. 110*

printing seditious publications under pretence of being taken from foreign papers, how punished, *Ad. I. 110*

printers to give notice to clerk of the peace, of keeping any printing press or types for printing : and letter founders and printing press makers to give notice, &c. where they propose to carry on such business ; and keep an account of types and presses sold, II. 662, 3

the name, &c. of printers to be printed on every paper or book, with certain exceptions, II. 663. *Ad. I. 112*

printers to keep a copy of every paper they print, and write thereon the name, &c. of person employing them to print, &c. : penalty for neglect, or for selling, &c. any paper without the name, &c. of printer : penalties limited, and may be mitigated ; appeal to sessions, II. 664. *Ad. I. 112*

justices, &c. may search for illegal presses, types, and papers, II. 664

analogous provisions of the Irish statutes in respect to the printers of newspapers, II. 665 to 671

LIBELS, continued.

lunatics, bankrupts, outlaws and persons convicted, &c.
for printing or publishing libels, disqualified from
printing newspapers, &c. II. 668

LIBERTIES AND RIGHTS

personal security, liberty and property, asserted by Great
Charter, petition of right, bill of rights, and *habeas*
corpus act, &c. I. 1 to 10

arbitrary imprisonments and exactions restrained, I.
7 to 10

right of applying to courts of justice for redress of inju-
ries asserted ; and not to be obstructed by prerogative,
I, 11. *Ad.* I. 2, 3. 70

king cannot suspend or dispense with laws, I. 11. *Ad.* I. 3

right of petitioning for redress of grievances asserted, I.
11

right of carrying arms vindicated, I. 11

laws of England declared to be the birthright of the
people, I. 12

LIBRARIES. See **COPYRIGHT.**

LIFE ESTATES. See **ABSENCE, APPORTIONMENT, AUTER**
VIE, CURTESY, DOWER, EMBLEMENTS, RENTS,
TREES, &c.

LIME. See **FISH.**

LIMITATION

for penal actions, &c. II. 117

for making entries into lands, II. 122

for writs of assize and writs of entry, or other actions
possessory ; or for avowries, II. 130

for writs of *formedon*, II. 131

for writ of right or making prescription, II. 133

for actions against officers, II. 148, 9

for actions personal, II. 222, 3, 4

in the admiralty, II. 223

for writs of error, II. 289

no limitation for writ of right of advowson, *quare impedit*,
assize of *darrein presentment* or *jure patronatus*, II.
163. *Ad.* I. 68

See **EJECTMENT, KING, and particular heads of offences.**

LINEN. See **FORGERY, LARCENY, MISCHIEF.**

LIPS. See **MAIMING.**

LITANY AND LITURGY. See **BOOK OF COMMON PRAY-**
ER, ECCLESIASTICAL PERSONS.

LITTLE-GOES. See **LOTTERIES.**

LIVERY. See **MAINTENANCE.**

LIVERY OF SEISIN. See **LEASES.**

LOANS. See **FORGERY.**

LOCAL JURISDICTIONS. See **COURTS INFERIOR.**

LOCKS. See **MISCHIEF.**

LODGINGS. See **LARCENY.**

LOOMS. See **APPRENTICES, MISCHIEF.**

LORDS. See **PARLIAMENT, PRIVILEGE.**

LORDS' ACT. See INSOLVENTS, (II. 295)

LORDS COMMISSIONERS. See CHANCELLOR.

LORD KEEPER. See CHANCELLOR.

LORD'S DAY. See SUNDAY.

LORDS JUSTICES

elected upon death of chief governor of Ireland. II. 1245

LOTTERIES

public nuisances, and patents, &c. for them void, II. 802
penalty for opening such, or playing, &c. at them, II. 802

justices, &c. to suppress them ; and penalty for setting up or publishing them, II. 803

penalty for setting up, &c. offices for insurances on marriages, births, &c. or for sales of houses, or the like offices ; or adventuring therein, II. 803 to 808

what games included within the acts against lotteries, II. 805, 7. 815

penalties for offences concerning lotteries how recovered, II. 809

persons setting up, &c. offices for dealing in tickets or shares in state lottery without license ; or persons (licensed or unlicensed) selling chances of tickets for less than the whole time of drawing of the state lottery, or insuring, &c. or in whose premises papers relating to insurance are found ; or selling any other tickets, or shares of tickets, or publishing any scheme for the sale of any ticket or share in any lottery except such as authorized by act of parliament, deemed rogues and vagabonds, and how punished, &c. II. 809 to 816. *Ad.* II. 434 to 437

penalty for setting up lotteries by colour of grant from any foreign prince or state ; or for selling or insuring, &c. tickets in any foreign or pretended foreign lottery, or duplicate lottery, II. 817

See FORGERY, GAMING.

LUNATICS

the king to provide that their lands, &c. shall be kept without waste, I. 190

private mad-houses restrained and regulated, I. 190

lunatic asylums erected, &c. by justices at quarter sessions in England, and by grand juries in Ireland, I. 191. 286. *Ad.* I. 11. *Ad.* II. 85.

their marriages void, I. 406. *Ad.* I. 31

what acts may be done by courts of equity in respect of their estates, II. 332, 3. 345, 6. 348, 9. 350, 1

justices of peace may commit dangerous persons suspected to be insane, II. 1103

proceeding as to such insane persons as threaten the personal safety of his majesty, II. 1104, 5

persons found insane upon arraignment or trial for any offence how disposed of, *Ad.* I. 144, 5 *Ad.* II. 485

LYING IN WAIT. See MAIMING.

MACHINES. See EXPORTATION, MISCHIEF.

MADDER ROOTS. See LARCENY.

MAD - HOUSES. See LUNATICS.

MAGISTRATES. See JUSTICES.

MAGNA CHARTA. See LIBERTIES.

MAGPIES. See GAME.

MAIL ROBBERY. See LARCENY.

MAIMING,

cutting tongues, putting out eyes, and cutting off ears,
how punished by ancient statutes, II. 908

cutting, &c. tongue, eye, nose, or lip, or other member,
by lying in wait with intention to maim or disfigure, a
capital felony, II. 908, 9

maliciously, &c. stabbing or cutting with intent to mur-
der, rob, maim, disfigure or disable, &c. or to resist,
&c. the apprehension of such person for some offence,
a capital felony, II. 909, 910

See ASSEMBLIES, MISCHIEF.

MAINTENANCE OF BASTARDS. See BASTARDS.

MAINTENANCE OF CHILDREN. See CHILDREN.

MAINTENANCE OF SUITS AND QUARRELS,

no clerk of the king or of any justice shall receive pre-
sentment to any church, pending suits in king's court,
II. 600, 3

barretors or maintainers of quarrels shall not be suffered
by the sheriff, as attornies to make suit or to give
judgments in county courts, &c. II. 600

maintenance of suits by persons great or small prohibited,
and how punished, *Ad. I.* 153. II. 602

king's counsellors, &c. prohibited to maintain quarrels or
parties, II. 600. *Ad. I.* 153

no liveries to be given for maintenance of quarrels, &c.
II. 601

penalty on persons receiving livery or wages, and on lords,
&c. retaining any except stewards, counsel, or menial
servants, &c. II. 603

maintaining the quarrels of lords, &c. or using the party
words "Cromabo" "Butlerabo" how punished, II.
603

MALICIOUS MISCHIEF. See ASSEMBLIES, MISCHIEF.

MALICIOUS SUIT. See BARRETRY.

MALLARD. See GAME.

MALT,

duty on, a branch of the revenue, I. 192. *Ad. II.* 38

See ADULTERATION.

MANDAMUS,

to admit or restore to office or franchise in corporation,
return to first writ of ; and pleading, &c. thereon, II.
179, 180

to cities, &c. for election of mayors, &c. on a day different
from charter day ; and to lords, &c. for holding courts
wherein mayors, &c. are to be nominated or sworn in,
II. 180, 1

MANDAMUS *continued.*

where it issues to compel the admission of a freeman, &c.
costs of obtaining and enforcing rule paid by mayor,
&c. II. 181. *Ad.* I. 68

freemen to be admitted to inspect entries of admission,
&c. and to take copies or extracts, II. 182

for admission of burgess or freeman to be sued in 7 years
after entry of election, *Ad.* I. 69

mayors, &c. shall furnish freemen, &c. upon demand, with
copy of the entries of admission of freemen, *Ad.* I. 69

See **QUO WARRANTO.**

MANOR COURTS,

process of in what form, and for what sums, II. 69, 70, 2

seneschals, &c. may summon juries and witnesses ; ad-
minister oaths ; proceeding as to decree and execution,
and costs thereof, II. 70, 1, 2

title to lands not to be drawn into question, II. 71

appeal to judges of assize shall be final, II. 71

seneschals to keep court book, and deliver duplicate at
sessions, II. 72

bailiff or marshal to give security, II. 72

fees of officers ; no stamp on proceedings, II. 71, 2

copy or abstract of clauses of patents from rolls' office,
&c. respecting their jurisdiction, evidence thereof on
appeals, *Ad.* I. 62

attested copy lodged with clerk of the peace, and pro-
duced to judge of assize, *Ad.* I. 62

upon appeals original summons and decree produced,
Ad. I. 62, 3

MANSLAUGHTER,

by stabbing or thrusting a person who dies thereof within
6 months, a capital felony, though no malice proved,
II. 902

See **HOMICIDE, MURDER.**

MANUFACTURERS. See **ARTIFICERS, COMBINATION.**

MANUFACTURES. See **MISCHIEF.**

MARINE FELONIES. See **ADMIRALTY, INDICTMENT,**
PIRACY.

MARINE FORCES,

annual act for their regulation while on shore, I. 385.
Ad. II. 168

MARINERS WANDERING. See **WANDERING SOLDIERS,**
&c.

MARITIME COURT. See **ADMIRALTY COURT.**

MARKETS,

clerk of, in king's household shall only execute his office
within the verge ; and head officers of corporations,
&c. according to their liberties ; penalties for their de-
fault of duty in respect to sealing weights and mea-
sures, II. 1124, 5, 6

mayor, &c. or person having the benefit of the market,
shall seal all measures where no clerk of the market,
II. 1126

See **MEASURES, WEIGHTS.**

MARKET JURIES,

how appointed in cities, &c. their oath, duty, powers,
and duration in office, and penalty for refusal to serve,
II. 699. 700

MARQUE AND REPRISAL. See LETTERS OF MARQUE.
MARRIAGE,

good if solemnized and consummate, (notwithstanding pre-
contract,) and not within levitical degrees, I. 402, 3
no suit shall be in any ecclesiastical court to compel a ce-
lebration of marriage by reason of any contract, I. 402.
of minors without consent of parents or guardians, &c.
void, I. 404

if mother or guardian *non compos*, beyond the seas, or re-
fuses consent, appeal to chancellor by petition, I. 404

of minor, void in Ireland when minor entitled to or parent
possessed of certain estates, if without consent of pa-
rent or guardian : proceeding to annul such marriages
I. 404, 5, 6

of lunatics, void, I. 406. *Ad.* I. 31

form required for publication of banns : previous notice
to parson, &c. : to be in parish church unless by spe-
cial license, &c. otherwise void, I. 407, 8

residence of parties in parish where banns published, not
to be questioned after solemnization of marriage, I.
409

to be solemnized in presence of two witnesses besides mi-
nister, and a certificate signed by minister, parties, and
witnesses, and registered by churchwardens, I. 409

of royal family, and of quakers and jews ; or in Scotland,
or beyond seas, excepted out of marriage act, I. 409

persons solemnizing matrimony in other place than
church, &c. or without publication of banns, unless by
special license, guilty of felony and transported, II.
749

forging, &c. marriage register or license of marriage, or
destroying register book, a capital felony, II. 749

popish priest, &c. celebrating marriage between 2 pro-
testants, or protestant and papist, how punished, II.
749, 750, 1 *Ad.* I. 118

of priests lawful and their children inheritable, I. 411, 2

of the royal family without consent of king, &c. restrain-
ed, I. 154

See ABDUCTION, REGISTER.

MARSHAL. See COURT MILITARY.

MARTIAL LAW,

commissions for executing, declared illegal, I. 4

MARTINS. See GAME.

MARTYRDOM. See ANNIVERSARIES.

MASS. See CATHOLICS.

MASTER AND SERVANT,

for what term artificers, &c. shall be retained : who com-
pellable to serve in trades : who in husbandry, I. 386

penalty for putting away servants without cause, I. 386

penalty for servants refusing to serve, or departing with-

MASTER AND SERVANT, continued.

out cause or notice, or without testimonial, I. 387, 8
 masters to give certificates of discharge, or justices may
 penalty for counterfeiting certificates : penalty for hir-
 ing servants without discharge, I. 389
 personating master, &c. and giving false certificate of cha-
 racter, &c. or producing any such false or altered cer-
 tificate, &c. or pretending not to have been hired be-
 fore, how punished, *Ad.* I. 28, 9
 wages of servants rated and assessed, I. 389, 390. *Ad.*
 II. 170
 jurisdiction of justices in respect to disputes about wages,
 or other differences between master and servant, I.
 390, 1, 2, 3 *Ad.* II. 170, 1, 2

See APPRENTICES, COMBINATION.

MASTER OF THE ROLLS,

decrees and orders of, in what cases valid; subject to be re-
 versed, &c. by chancellor ; not to be inrolled till signed
 by chancellor, II. 366, 7
 to hold his office *quam diu se bene gesserit*, and not to
 cease by demise of the king ; but removable upon ad-
 dress of parliament, II. 367
 king may authorize him to hear bankrupt motions, II.
 367
 certain part of his duties may be executed by deputy,
 II. 367

See CLERKS IN CHANCERY.

MASTER IN CHANCERY. See EQUITY.**MAY-BUSHES AND MAY-POLES. See TREES.****MAYHEM. See MAIMING.****MAYNOOTH COLLEGE. See CATHOLICS.****MAYOR. See CORPORATION, MANDAMUS, MEASURES,
TOLLS, &c.****MEARS. See FENCES.****MEASURES AND WEIGHTS,**

uniformity of ordained, I. 160, 1, 2, 3,
 ancient statutes defining them, I. 160, 1
 penalty for using any different from the king's standard in
 the exchequer, I. 161
 corresponding with those in the exchequer, to be provid-
 ed in cities, &c. and deposited with mayors, &c. I.
 162, 3, 4. *Ad.* II. 428
 weighmasters appointed and sworn, &c. I. 163
 justices at petty sessions may appoint examiners of
 weights, balances, and measures : their powers ; pe-
 nalty for having false, &c. II. 696, 7. *Ad.* II. 426, 7
 examiners for parishes specially appointed at vestries, II.
 697, 8
 penalty for obstructing examiners, &c. : standard weights
 and measures how procured, II. 698, 9. *Ad.* II. 427,
 8, 9.

MEDIETATE JURY DE. See ALIENS.**MEDITERRANEAN PASS. See FORGERY.****MEETING HOUSE. See ASSEMBLIES, DISSENTERS, &c.**

MEMBERS OF PARLIAMENT. See AFFRAY, PARLIAMENT.

MEMORIAL. See JUDGMENTS, REGISTRY, &c.

MERCHANTS STRANGERS. See SAFE CONDUCT.

MESNE,

proceeding upon this ancient writ, *Ad. I. 66, &c.*

MESNE PROFITS. See EJECTMENT, ERROR, QUARE IMPEDIT.

MESSAGES. See COMBINATION, THREATENING LETTERS, &c.

MICHAELMAS SESSIONS. See JUSTICES.

MICHAELMAS TERM,

commencement of, and return days, and days in bank, *II. 183, 5*

MILESTONE. See MISCHIEF.

MILITARY STATE. See ARMY, MILITIA, VOLUNTEERS.

MILITIA,

how anciently arrayed, *I. 360, 1*

lieutenants appointed by the king to array, &c. the modern militia in the several counties, *I. 361*

subordinate officers how appointed, &c. *I. 361. Ad. II. 154*

ballot for men: service enforced: exemption from service, *I. 362, 3. Ad. I. 22*

number of: supernumeraries may be raised, &c. *I. 362, 4. Ad. I. 23. Ad. II. 152, 3, 4*

counties, &c. fined if number not completed, *I. 363. Ad. I. 23.*

may be raised by beat of drum at head quarters, *Ad. II. 153*

how called out to be trained: and for what number of days, *I. 363, Ad. II. 153*

the calling out of may be suspended by the king, *Ad. II. 155*

embodied in cases of invasion, occasion thereof being communicated to parliament, *I. 364*

how far subject to mutiny act, &c. *I. 363, 4*

offences committed while training or embodied may be tried within 6 months after being disembodied: deserters at any time, *Ad. II. 155, 6*

what number of serjeants, &c. may be retained on permanent pay, when not in actual service, *Ad. II. 154*

enlisting in his majesty's other forces, or in East India company's service, or becoming inrolled for other parishes, &c. how punished, *Ad. II. 155*

analogous provisions in respect to Irish militia, *Ad. I. 23 to 26. Ad. II. 156, 7*

interchange of militia of Great Britain and Ireland, *Ad. I. 23*

statutes respecting local militia incorporated, *Ad. II. 158*

number of local militia raised in the several counties:

MILITIA, continued,

what persons exempted from service : what service therein excuses from service in regular militia : privileges of serjeants, &c. : may be trained in adjoining county : not to be ordered out of G. Britain : persons refusing to march, &c. punished as deserters : officers, &c. tried by court martial though regiment disembodied : may enlist into army, &c. except while training : in cases of invasion, &c. what number embodied : and parliament to meet thereon : the king may dismiss and re-assemble any part thereof; and suspend the ballot or enrolment for, *Ad. II. 158, &c.*

MILK. See ADULTERATION, SUNDAY.

MILLS. See ASSEMBLIES, FISH, MISCHIEF.

MINES

right of subject to work mines in which is copper, tin, iron or lead, though gold or silver found therein, declared : but the king may have the ore at certain prices, I. 189. *Ad. II. 35*

See LARCENY, MISCHIEF.

MINISTERS. See ECCLESIASTICAL PERSONS.

MINISTERS' MONEY

levied in cities and towns corporate upon houses in respect of their value : commission for valuation, I. 353, 4. 439

MINORS. See INFANTS.

MINUTE. See EJECTMENT, REPLEVIN.

MISADVENTURE. See HOMICIDE.

MISCARRIAGE. See ABORTION.

MISCHIEF, (fraudulent or malicious)

to fish-ponds, cattle, trees, houses, &c. stacks of corn, &c. II. 624

pales or walls of forests, parks, &c. II. 831

heads, mounds or dams of fish-ponds, &c. II. 868, 9

hedges, gates, pales, walls, banks, or other fences ; and to trees, shrubs, wood or underwood, &c. II. 931 to 951. 1007. *Ad. I. 124*

hop-binds growing on poles, II. 1008

ricks or stacks of corn, &c. or houses, &c. barns, &c. or ships, &c. II. 919. 920. 1009 to 1019

wains or carts laden with coals, &c. II. 1019

horses, sheep or other cattle, II. 1019. 1020

windmills or watermills, II. 1020

garments or clothes of any person, II. 1020, 1

linen yarn or linen cloth, or the looms, &c. used in the manufacture of cambricks or lawns, II. 1021

serge or woollen goods, or velvet or other silk manufacture, or linen or cotton manufacture in the loom, &c. or the tools, &c. used in making such serges, &c. II. 1021, 2

frame-work knitted hosiery or lace manufactory, II. 1022. *Ad. II. 448*

fustian, cotton, woollen, mohair, or silk goods ; or linen, hempen or cotton yarn, or cloth, or the rubbing

MISCHIEF, &c. continued.

boards, &c. dye-stuffs, &c. used in any bleach-yard, II. 1023

to any plain or painted, &c. linens, cottons, lawns or muslins, or manufactured goods of wool, silk or hair; or to any wool, II. 1024

any manufacture of iron or leather, or other manufacture, or the tools, mills, &c. employed therein, II. 1024, 5
mines, pits or delphs of coal, by setting on fire or drowning the same, II. 1029. 1030, 1

the engines, bridges, waggon ways, &c.; or the airways, waterways, railways, &c. of collieries or other mines, II. 1030, 1

ships, &c. to prejudice owners or insurers, II. 1032, 1011
seamen, ship carpenters, &c. burning or otherwise damaging ships, &c. how punished, II. 1032, 8

to banks of rivers or sea banks; or piles in marshes, &c. II. 1034

locks, floodgates, &c. upon navigable rivers, II. 1035, 6

bridges, locks, banks, &c. of canals, II. 1038

turnpike gates, &c. or cranes, &c. for weighing waggons, &c. on turnpike roads, II. 1039. 1040

horse-causeways and foot-causeways; or to the parapets and battlements of bridges, or mile-stones, &c. II. 1041

court-houses, gaols, &c. built or repaired by presentment, II. 1041, 2

See ASSEMBLIES, COMBINATION, KING'S STORES, LARCENY.

MISPRISIONS AMENDED. See AMENDMENT, ERROR.

MISPRISION OF TREASON

concealment of high treason punishable only as misprision of treason, II. 544. *Ad. I.* 94

MISPRISION OF FELONY

by sheriffs, coroners, or bailiffs, how punished, II. 545

MISPRISIONS AND CONTEMPTS AFFECTING THE KING AND GOVERNMENT. See DESERTION, KING, KING'S PALACES, OATHS, SEDITION.

MISSISSIPI. See GAMING.

MODEL. See COPYRIGHT.

MONASTERIES. See CATHOLICS, PRÆMUNIRE. TITHES.

MONEY. See COIN, FALSE PRETENCES, LARCENY, &c.

MONITION. See TITHES.

MONOPOLIES

all commissions, patents, &c. for the sole buying, selling making, working or using any thing void: party grieved thereby to recover treble damages, &c. II. 703

exception as to patents for new manufactures, and concerning printing, and licenses for keeping taverns, &c. II. 703, 4

MONSTRANS DE DROIT. See INQUISITION.

MORT-D'ANCESTOR. See ABATEMENT, ASSIZE, LIMITATION.

MORTGAGES,

courts of law authorized to stay proceedings in ejectments by mortgagees, or in actions upon bonds collateral to mortgages, upon mortgagors' depositing principal, interest and costs : what cases excepted, I. 469. 470

mortgagors, not giving notice of prior judgments or mortgages, barred of their equity of redemption, II. 338

subsequent mortgagees may redeem prior ones, II. 338

on bills to foreclose, court, on defendant's request, may make summary order or decree, II. 339

on bills of foreclosure where necessary parties cannot be served with process, what service substituted : proceeding thereupon to have bill taken *pro confesso*, testimony of witnesses perpetuated, and decree made final, II. 339, &c.

where one year and a half's interest due, court may appoint a receiver, II. 339

See ALIENS, EJECTMENT, REGISTRY.

MORTMAIN

alienations to religious houses or lay corporations prohibited : various devices to evade these statutes declared void, I. 507, 8, 9

licenses to alien in mortmain granted by the king, I. 509, 510

See CHARITIES.

MORTUARIES OR CORSE - PRESENTS, &c.

these church duties defined, I. 593, 4

MULES. See LARCENY.

MURDER

wilful killing by poisoning, deemed such, II. 902

murderers, &c. excluded from benefit of clergy, II. 904

what sentence pronounced, and when : and convicts how dealt with by gaolers until execution, II. 905, 6

rescuing convicts before or after execution, II. 906

See ADMINISTERING POISON, ADMIRALTY, APPEAL, BASTARDS, CONSPIRACY TO MURDER, HOMICIDE, INDICTMENT, &c.

MUTE. See ARRAIGNMENT.

MUTINY ACT. See ARMY, MILITIA, VOLUNTEERS.

MUTUAL DEBTS. See BANKRUPT, INSOLVENT, PLEADING.

NAMES. See ENGLISH SURNAMES, &c.

NATIVES-NATURALIZATION. See ALIENS.

NATURE, CRIME AGAINST. See BUGGERY.

NAVAL STORES. See KING'S STORES.

NAVIGATION

sketch of the acts for encouragement of English shipping and English mariners, I. 381, 2. *Ad.* I. 28

what shall be considered British ships, and who deemed British mariners, I. 383, 4. *Ad.* I. 28

laws respecting extended to Ireland, I. 384

See MISCHIEF.

NAVY

statutes for government of, referred to, I. 384

See MARINE FORCES.

NAVY BILLS, &c. See FORGERY, LARCENY.

NEGATIVE CERTIFICATES. See REGISTRY.

NEGLIGENCE. See SERVANTS, TRESPASS.

NETS. See FISH, GAME.

NEW RULES. See CORPORATIONS.

NEWS. See FALSE NEWS.

NEWSPAPERS. See LIBELS.

NEXT OF KIN. See ADMINISTRATION.

NINE PINS. See GAMING.

NISI PRIUS. See ASSIZE, JURY.

NONAGE. See ABATEMENT, INFANT.

NON-CLAIM. See FINES.

NON COMPOS. See LUNATICS.

NONCONFORMITY. See BOOK OF COMMON PRAYER,
DISSENTERS, SCHOOLS.

NON EST INVENTUS. See EXECUTION.

NON OBSTANTE. See LIBERTIES AND RIGHTS.

NONSUIT. See JUDGMENT.

NOSE. See MAIMING.

NOTARIES PUBLIC

required to serve an apprenticeship of 7 years : penalty
for permitting unqualified persons to practise in their
names ; or for unqualified persons practising, II. 54,
&c.

See CATHOLICS ROMAN.

NOTES PROMISSORY

payable to order or bearer negotiable as bills of ex-
change : fees of protest thereon, I. 609

negotiation of notes [and bills] under a limited sum, re-
strained, I. 609, &c. *Ad.* II. 511

names of partners set forth in notes, &c. I. 613

See BILLS OF EXCHANGE, FORGERY, LARCENY, &c.

NOTICE. See ASSEMBLIES, BAIL, COMBINATION, OVER-
HOLDING TENANTS, OFFICERS, &c.

NOVEL DISSEISIN. See ABATEMENT, ASSIZE. LIMITA-
TION.

NULLA BONA. See EXECUTION.

NUNCUPATIVE WILLS

estate bequeathed by, not to exceed £30: to be proved by
3 witnesses : when and where made ; when reduced to
writing : probate when and how obtained, I. 660

no will in writing revoked by word of mouth only, except
committed to writing, and read, &c. to testator, &c. and
proved by 3 witnesses, I. 661

NUNNERIES. See PRÆMUNIRE.

See COMBINATION, COMMONS, FISH, &c.

NURSES

women nursing children after being with child, or hav-
ing infectious disease, how punished, *Ad.* I. 116, 7

NURSERIES. See LARCENY.

NUSANCE

ancient writs of, in what form, and before whom determinable, II. 152, 3

OATH,

affirmation by quakers and united brethren substituted for ; in what forms ; breach thereof perjury, II. 260, 1
in what form and words seceders take it, II. 262

See ABJURATION, ALLEGIANCE, ADMINISTERING OATHS, CATHOLICS, COMBINATION, CURSING, &c. ECCLESIASTICAL COURTS, INSURRECTIONS, PERJURY, SUPREMACY, &c.

OBLATIONS. See MORTUARIES.

OBLIGATIONS. See AGREEMENTS, BONDS, KING'S DEBTS.

OBSTRUCTING. See ASSEMBLIES, PROCESS, WRECK, &c.

OCCUPANCY. See AUTER VIE, COPYRIGHT.

ODIO ET ATIA,

abuses of this writ by sheriffs restrained, II. 95, 6

OFFENCES,

against God and religion, II. 372 to 461. *Ad. I.* 87, 8.

Ad. II. 328 to 334

against the law of nations, II. 461 to 470

of high treason, II. 470 to 483. *Ad. I.* 88. *Ad. II.* 335, 6

injurious to the king's prerogative, II. 484 to 524. *Ad. I.*

89 to 94. *Ad. II.* 336 to 370.

affecting the king and government, II. 544 to 580. *Ad. I.*

94. *Ad. II.* 370, 1

against public justice, II. 580 to 613. *Ad. I.* 95, 6. *Ad. II.*

371, 2, 3

against the public peace, II. 614 to 671. *Ad. I.* 97 to 113.

Ad. II. 373 to 422

against public trade, II. 671 to 737. *Ad. I.* 113 to 116.

Ad. II. 422 to 430

against the public health, police or economy, II. 737 to

900. *Ad. I.* 116 to 119. *Ad. II.* 430 to 437

of homicide, II. 900 to 908. *Ad. I.* 119

against the persons of individuals, II. 908 to 919. *Ad. I.*

119, 120. *Ad. II.* 438

against the habitations of individuals, II. 919 to 922.

against private property, II. 922 to 1101. *Ad. I.* 120 to

129. *Ad. II.* 439 to 465

of the means of preventing, II. 1101 to 1105. *Ad. I.*

129.

OFFICERS,

king's prerogative in respect to, I. 158

required to take the oaths of allegiance, supremacy and

abjuration ; and to make the declaration against tran-

substantiation, and receive the sacrament ; and when

and where ; penalty for default : and what officers ex-

cepted, I. 291 to 295. II. 554. 566

analogous law in Ireland, I. 294, 5, 6. II. 566, 7

exception as to protestant dissenters, and Roman catho-

lics, I. 296 to 304

qualifying under a joint patent, &c. need not re-qualify if

re-appointed, *Ad. I.* 19

OFFICERS *continued.*

the secretaries of state, &c. may dispense with officers of the navy, army or marines, taking the oaths, &c. *Ad.* II. 371

precedence of, in parliament chamber, I. 358, 9

to continue in office for six months after demise of the crown, unless removed by successor, I. 359

under the crown during pleasure, may, after demise of the king, hold during pleasure of successor, *Ad.* II. 152

corrupt appointment to the office of sheriffs, justices of peace, &c. prohibited; and chancellor, treasurer, &c. appointing them, to make oath against it, I. 210

in the king's courts having power to appoint clerks, to swear to appoint faithful ones, I. 441

bargains for the sale of offices under the crown, &c. or deputations thereto, void: right of appointment thereupon to vest in the king: persons selling, &c. or soliciting, &c. or keeping house, &c. for sale, &c. of, or advertising, &c. relative thereto, how punished, &c. I. 441, 2. *Ad.* I. 36, 7, 8

what offices may be sold, &c. *Ad.* I. 38, 9, 40

several public offices abolished, &c. *Ad.* II. 29

sale of office of six-clerk in Ireland regulated, *Ad.* II. 179, &c.

pleading and costs in actions against them for any thing done by virtue of their offices: and what officers protected against vexatious actions, II. 144 to 150

See CORPORATIONS, JUSTICES OF PEACE, REVENUE OFFICERS.

ORCHARDS. See LARCENY.

ORDINARY. See BISHOPS, ECCLESIASTICAL PERSONS.

ORDINATION, OR ORDERS HOLY. See ECCLESIASTICAL PERSONS.

ORDNANCE. See ARMS, KING'S STORES.

ORIGINAL WRIT. See ESSOINS, RETURN DAYS, &c.

OTTERS. See GAME.

OUSTER OF CHATTELS REAL. See EJECTMENT, ELEGIT.

OUSTER OF THE FREEHOLD. See ASSIZE, DEFORCEMENT, ENTRY, FORMEDON, LIMITATION.

OUSTER LE MAIN. See FEODAL TENURES.

OUTHOUSES. See LARCENY, MISCHIEF.

OUTLAWRY,

proceeding to, how to be; proclamations required, II. 193, 4

proclamation issued with *exigent*: affidavit thereof before return of *quinto exactus*, or issuing of *capias utlagatum* required in Ireland, II. 194, 5

what bail given before reversing of outlawry, II. 194

after outlawry reversed, declaration to be for same cause as in proclamation, II. 195

may be reversed by attorney; persons taken under *capias utlagatum*, how discharged, II. 195, 6

writ of *identitate nominis* for relief of persons whose land

OUTLAWRY *continued*

&c. are seized under process of outlawry, *Ad. I. 71, 2*
oath of plaintiff required to ground proceedings; and
warrant of attorney entered in same term as *exigent*
awarded, *Ad. I. 72*

consent of attorney-general, and affidavit of defendant,
required upon pleas of outlawry in Ireland, *Ad. I. 77*
process of *exigent* when and how to issue in criminal cases,
Ad. I. 143

proclamation also to issue with *exigent* in criminal cases,
Ad. I. 143

to avoid undue reversal of outlawries, parties suing, &c.
to be warned, *Ad. I. 72*

charters of pardon how allowed to persons outlawed, *Ad.*
I. 73

See **INDICTMENTS.**

OVERHOLDING TENANTS,

after receiving notice, &c. to quit, liable to double value;
and how recovered, *I. 468. Ad. I. 41*

after giving notice liable to double rent, *I. 468*

summary remedy against, in Ireland, where rent less than
£20. *Ad. II. 246*

OVERSEERS OF THE POOR. See **POOR.**

OWLING. See **SMUGGLING.**

OWNERS. See **RESTITUTION.**

OYER AND TERMINER. See **COMMISSIONERS OF, &c.**

OYSTERS. See **FISH.**

PADDOCK. See **GAME.**

PALACES. See **KING'S PALACES.**

PALES. See **LARCENY, MISCHIEF.**

PALISADES. See **LARCENY, MISCHIEF.**

PANEL. See **JURY, TREASON.**

PAPER. See **FORGERY, LIBEL.**

PAPISTS. See **CATHOLICS ROMAN.**

PARCENERS. See **PARTITION.**

PARDON,

to be granted only by the king, *II. 1244, 5*

power of chief governor of Ireland in respect thereto, *II.*
1245

See **BENEFIT OF CLERGY, OUTLAWRY.**

PARENT AND CHILD. See **BASTARD, CHILDREN.**

PARISH CESSES. See **CHURCH RATES.**

PARISH CLERKS,

their salary how assessed and recovered, *I. 355*

PARISH CONSTABLES. See **CONSTABLES.**

PARISHES. See **CHURCHES, ECCLESIASTICAL PERSONS.**

PARISH OFFICERS. See **DISSENTERS.**

PARK. See **GAME.**

PARLIAMENT,

to be held frequently, &c. *I. 12, 13*

the king an independent constituent member, *I. 13*

16 peers how elected for Scotland, *I. 13, &c.*

28 temporal peers, and 4 spiritual peers, how elected to
represent Ireland in the house of peers, *I. 15, &c.*

5 members how chosen to represent Scotland in the

PARLIAMENT, *continued.*

- house of commons, and 100 for Ireland, I. 18 to 21
- electors of knights of the shire to have freeholds of the clear yearly value of 40s. : no public tax, &c. deemed a charge : such freeholds to be assessed to some land tax aid, I. 21 to 24. 36
- residence a qualification for electors in Ireland, *Qu.?* I. 22
- freeholds in counties of cities or towns to be also of 40s. clear value, and assessed to some land tax aid, I. 24, 5. 42. *Ad.* I. 4
- what length of possession of freeholds required, I. 25
- fraudulent conveyances, &c. to qualify voters void : penalties on parties, &c. thereto, I. 25, 6, 7. *Ad.* II. 4
- annuities and rentcharges arising out of freehold lands, &c. how registered, I. 27 to 30. 35, 6
- purchasers of land tax need not be so registered, *Ad.* I. 3
- husband of dowress may vote out of her freehold, I. 29
- copyholders excluded ; penalty on their voting, I. 30
- trustee or mortgagee excluded unless in possession, I. 30
- affidavit of actual occupation, and denial of fraudulent qualification, required upon registering freeholds under £20. in Ireland, I. 30 to 33. *Ad.* I. 3, 4
- freeholds by descent, &c. or subject only to crown or quit rents, how registered in Ireland, I. 33, 4. *Ad.* II. 5
- £50. and £20. freeholders how registered in Ireland, I. 33, 4
- freeholds to be registered one year, and within 8 years before *teste* of writ : exception as to £50. freeholders, I. 33, 4, 5, *Ad.* I. 3
- no registry in respect of ecclesiastical preferments, I. 36
- sessions when and where held for registering freeholds, I. 36, 7. *Ad.* II. 5, 6
- £50. freeholders may take the registry oath in superior courts, or at the assizes : and officers in the army, &c. where quartered : affidavits need not be stamped, nor read aloud in open court, I. 38
- certificate of clerk of the peace evidence to supply original entry, I. 39
- duty of clerk of the peace in respect to such registries, I. 39 to 42
- freemen in cities, &c. how long admitted to their freedom to become qualified to vote at such elections : candidates, &c. to be permitted to inspect the entries of admission, I. 43, 4
- voters in right of inhabitancy in cities, &c. how long to be resident, &c. therein, before election, I. 45
- in Ireland voters in right of inhabitancy required to be registered, as such, a year before *teste* of writ, I. 45, &c.
- persons stealing, destroying, or altering such registry-books, how punished, I. 49
- minors incapacitated to vote, I. 49

PARLIAMENT *continued.*

- what officers of the revenue disqualified to vote, I. 50, 1
- undue influence of officers of excise and customs prohibited, I. 52
- aliens, &c. (though naturalized, &c.) disqualified to be members of, I. 53
- election of minors void, I. 53
- ecclesiastical persons ineligible; penalty on their sitting or voting, I. 53, 4
- officers of the revenue, &c. contractors, &c. and pensioners during pleasure or for years, ineligible, and incapable of sitting or voting in house of commons, I. 54 to 62. *Ad.* I. 4
- person accepting office of profit under the crown, or prince regent or queen, vacates his seat in house of commons, but re-eligible, I. 55, 60. *Ad.* II. 7
- speaker of house of commons not to hold place of profit under the crown, during pleasure, I. 58
- what officers under the crown may sit in parliament, I. 56, 7. 60, 1, 2. *Ad.* II. 7, 8.
- in Ireland, oath required by officers and members for excluding placemen and pensioners from house of commons, I. 62
- in Ireland residence a necessary qualification for members of house of commons, *Qu.* ? I. 62, 3
- qualification in respect of property for members of the house of commons; oaths in respect thereto, I. 63 to 66
- 40 days between *teste* and return of writ of summons to new parliament, I. 66
- duty of messenger of great seal, and of postmasters in respect to delivering and transmitting such writs, *Ad.* II. 8 to 11
- duty of sheriffs as to issuing precepts to boroughs, &c. I. 66. 75
- warrant of speaker or his deputies upon the death or promotion to the peerage of a member during recess, I. 67 to 70
- duty of sheriff in respect to time and place of holding elections in counties and in cities, &c. in England, I. 70
- analogous law in respect to Ireland, I. 75, 6. *Ad.* II. 11
- elections free, and military removed, I. 71, 2
- in Ireland peace officers to be summoned by returning officers, *Ad.* II. 18
- sheriffs and their sub-sheriffs and other deputies, to take the poll: booths erected: clerks appointed: oaths of returning officers and clerks, I. 72, 3, 4. *Ad.* II. 11 to 18
- poll when to commence; how long to continue each day; and when to close finally, I. 72, 3, 9. 98. *Ad.* II. 11, 12.
- no adjournment without consent of candidates, I. 72, 5
- in Ireland deputies required to take a certain oath, remo-

PARLIAMENT, *continued.*

- vable, &c. by returning officer; and their duties particularly prescribed, I. 76-8. *Ad.* II. 16-7
- poll not to be closed in cases of riot, punishment for interrupting the poll, &c. or for malicious or fraudulent mischief, &c. to poll books, I. 79. *Ad.* II. 19
- penalty for protracting the poll, I. 79
- freeholders' and rentchargers' oaths at elections, I. 80 to 85
- freeholder may vote though part aliened since registry, I. 85
- poll books to contain certain particulars; and to be deposited with clerks of the peace, after election, I. 74, 5. 86
- cheque books to be allowed to candidates for their inspectors, I. 74
- copy of poll to be given by sheriff for reasonable charge, I. 81
- oaths to be taken by voters in cities and boroughs in right of inhabitancy, &c. I. 81, 6, 7
- oaths of allegiance, supremacy and abjuration, required, I. 87-8
- Roman catholics in Ireland required to take the oaths prescribed by the relaxing acts, as a qualification for voting; and when and where, I. 88-9. *Ad.* I. 4 to 7
- oath against minority may be tendered to voters, I. 83-9
- oath denying bribery may be also tendered; penalty for electors accepting, &c. bribes: election of candidate giving money, meat, drink, &c. void, I. 89 to 92. *Ad.* I. 9
- penalties on parties to corrupt contracts (though not returning officers or voters) for procuring returns to parliament, *Ad.* I. 7-8-9
- in Ireland giving cockades, &c. avoids the election; and number and payment of agents and clerks limited: and barristers not permitted to plead, but may be assessors to returning officers, I. 92
- candidate, agent, &c. prohibited to plead or speak to, or examine voter, *Ad.* II. 16-7
- commissioners or deputies appointed for administering oaths, &c. at elections, I. 93-4-5. *Ad.* I. 5-6-7. *Ad.* II. 12 to 16
- in Ireland interpreters provided for each booth, &c. *Ad.* II. 16
- perjury, &c. at elections how punished, I. 95-6
- persons voting more than once, at the same election; or voting when not in possession, or personating freeholders, how punished, I. 96-7. *Ad.* II. 19
- returns to writs when and how made in counties, and cities, &c.; penalty for delay of or for false return: contracts for obtaining undue return void: penalty on parties to such contracts, I. 97 to 101. *Ad.* I. 7 to 9
- returning officer to have a casting voice whether qualified

PARLIAMENT, *continued.*

- to vote or not, or though he shall have voted, &c. :
how where two sheriffs, I. 100, 1
- duty of returning officer where scrutiny demanded, I. 98.
Ad. I. 10
- returning officer acting corruptly how punished criminal-
ly, *Ad. II. 18*
- returning officer not to be elected for 2 years succes-
sively, *Ad. I. 10*
- pleading, costs, &c. in suits for penalties under election
acts, I. 101 to 103. *Ad. I. 10*
- upon petitions complaining of undue elections or returns
what notices given by speaker of house of commons, I.
103-4
- such petitions by whom subscribed; and recognizance
when and how entered into, in what sum, and before
whom, &c. and in what cases forfeited, I. 105-6-7. *Ad. II.*
21-3-4
- time for taking petitions into consideration; in what cases
altered; and notices thereupon, I. 107-8
- elector may be admitted a party where member declines
to defend his return, &c. I. 107-8
- proceeding upon ballotting for 49 names, I. 108 to 110
- two nominees added to those chosen by lot, I. 110
- if 100 members not present, or 49 cannot be completed,
house to adjourn, I. 110-1
- if parties, &c. do not appear at time fixed for appointing
a select committee, order discharged, I. 110-1
- what other business may be proceeded upon, on the day
appointed for considering petition, I. 112
- mode of appointing a select committee of 15 members, I.
113-4
- committee how appointed in the absence of parties oppo-
sing petition, I. 114
- committees how appointed where parties on distinct in-
terests, &c. present separate petitions, I. 115. *Ad. II. 25*
- committees how formed where more petitions than one
are to be considered the same day, I. 116 to 118
- proceeding of committee when formed, in respect to
choosing chairman, sitting and adjourning, &c. I. 118
to 120
- powers of committee in respect to summoning and exa-
mining witnesses, committing for contempt, &c.; I.
120-1. *Ad. II. 25*
- committee may report specially; may deliberate in pri-
vate, majority to decide; chairman to have a casting
voice; what number required to be present, I. 120-1
- committee when dissolved by reduction of the number of
its members, I. 119, 120
- short hand writer to attend committee, I. 121-2
- oaths in the house and before the committee how ad-
ministered, I. 122
- committee to report whether petition or opposition there-

PARLIAMENT, *continued.*

- to be frivolous: costs thereupon how taxed and recovered, I. 122 to 124
- costs and expenses to be also paid if petitioner don't appear or withdraws his petition, and how taxed, *Ad. II.* 23, 4, 6
- where questions arise before committee respecting the right of election, &c. statement to be made in writing to clerk of the committee of the points contended for; report of committee thereupon when conclusive on subsequent elections; such petitions how proceeded on, I. 124 to 126
- proceeding upon petitions against determinations respecting right of election, &c. *Ad. II.* 26, 7
- in all cases lists of voters intended to be objected to shall be delivered to clerk of the house of commons, and objections specified, *Ad. II.* 19, 20
- effect of prorogation pending petition, I. 126
- provisions of the English statutes in respect to such petitions extended to Ireland, I. 126
- recognizances upon petitions from Ireland when entered into, I. 105
- petitions from Ireland what to state: proceedings thereon, I. 127-8
- commissioners and their chairman how appointed for examination of witnesses respecting petitions from Ireland, I. 128-9. 130-1-4
- petitioner to attend in an hour after time fixed by committee for appointment of commissioners, or petition discharged, I. 130-1
- chairman of committee to issue his warrant for meeting of commissioners, and transmit copy of petition, &c. I. 131-2
- such committees not dissolved unless number reduced to nine, I. 132
- commissioners to be sworn, &c.: their meetings and adjournments how to be: penalty on unqualified barrister acting, and on absence of members, I. 132-3-5
- commissioners though number not complete may proceed by consent, &c. I. 134-5
- powers of commissioners as to adjourning, sending for persons, papers, &c.: duty and oath of their clerk, I. 135-6
- no barrister to plead, &c. before commissioners, I. 136
- exceptions to evidence before commissioners recorded, &c. I. 136-7
- committee re-assembled to consider evidence transmitted: who may re-assemble commissioners or send for written documents produced before commissioners, I. 137-8
- chairman of committee may compel attendance of witnesses, I. 138
- commissioners and their clerk how paid, I. 138, 9

PARLIAMENT, *continued*

oaths of allegiance, supremacy and abjuration, and declaration against popery, to be taken, &c. by lords and commoners; and when and where: penalty for sitting, &c. without taking, &c. such oaths, &c. I. 139 to 143
no peer or commoner to be questioned in any court, &c. touching debates, &c. in parliament, I. 143

king may summon parliament after prorogation or adjournment, giving 14 days notice by proclamation, I. 145-6

effect of demise of the king upon the meeting and sitting of parliament, in the several events of its being sitting or adjourned, or prorogued, or dissolved or expired, at the time of such demise; and also in case of such demise on or after the day appointed for calling a new parliament; or in case of the demise of the successor within the 6 months limited for the duration of the old parliament, I. 146-7

effect of the death of prince regent, or queen, or the resumption of royal authority, *Ad.* II. 28

duration of English parliament 7 years: of Irish 8 years: no limitation for imperial parliament by the act of union, I. 147-8

See AFFRAY, ARMS, ASSEMBLIES, BANKRUPT, ERROR, HABEAS CORPUS, IMPEACHMENT, KING, PRIVILEGE, STATUTES, &c.

PAROL DEMISES or PROMISES, &c. See AGREEMENTS.

PARTITION

joint-tenants and tenants in common compellable to make, I. 475

process, judgment, and execution upon writ of, I. 475 to 478

proceeding upon writ of when final, I. 476-8

of advowsons; parties seised to present by turns, I. 487

See FENCES, LIMITATION.

PARTNERSHIPS. See ANONYMOUS PARTNERSHIPS, BANKERS, &c.

PARTRIDGES. See GAME.

PASSPORTS. See SAFE CONDUCT.

PASTURE

proceeding in writ of admeasurement of, II. 125. 159. 160

PATENTS

petitions on which founded; date of: recitals and conditions in, and signing and sealing of regulated, I. 564, 5, 6. *Ad.* I. 46

where lands are granted by patent without king's title being found, special assize for disseisees, *Ad.* I. 65

See INQUISITIONS, FORFEITED ESTATES, &c.

PAUPERS

counsel, attornies and clerks, assigned to such suitors; and admitted to defend actions, &c. with the same privileges, II. 275

exempted from costs, II. 271

PAYMENT. See BANK OF ENGLAND AND IRELAND, PLEADING.

PEACE. See CLERK OF THE PEACE, CONSTABLES, GOOD BEHAVIOUR, JUSTICES, &c.

PEAS. See LARCENY.

PEERS

their privilege of killing deer in king's forests, I. 144

peeresses indicted of treason or felony tried before such judges and peers of the realm as peers should, *Ad. I.* 145

See EQUITY, PARLIAMENT, PRIVILEGE, TREASON.

PELLS AND POUNDAGE

history of this branch of revenue, I. 20. *Ad. I.* 40

PENAL ACTIONS AND INFORMATIONS

civil bill jurisdiction restrained as to suits on penal statutes, II. 66

where recovery in former action pleaded, covin may be replied : and penalty on party convicted of such covin, II. 115

actions or informations upon penal statutes how brought and prosecuted : defendants to have costs, II. 115-6

defendants to, may appear by attorney, except aliens, II. 116

venue therein to be laid in proper county ; except as to certain informations, &c. and particular officers, II. 116-7-8

such actions, &c. within what time brought, and where tried, II. 117

process and pleading in such actions, &c. II. 118

challenges for default of hundredors in, done away, *Qu. ?* II. 235, 6

tales grantable in such actions, II. 250

See DEMURRER, INFORMATIONS.

PENITENTIARY HOUSES. See BENEFIT OF CLERGY.

PENSIONERS. See FORGERY, PARLIAMENT.

PERAMBULATION. See PARTITION.

PERFORMANCE. See PLEADING.

PERJURY AND SUBORNATION OF PERJURY

how punished by the ancient law, II. 606, 7

persons guilty of, may be sentenced to hard labour or transportation for 7 years ; form of indictment : counsel assigned, II. 608-9

in Ireland perjury declared to be triable at sessions, II. 610

PERPETUAL CURES. See CURES PERPETUAL.

PERPETUATING TESTIMONY. See EQUITY.

PERPETUITIES. See ACCUMULATION.

PERSONS AND PERSONAL RIGHTS

remedies for civil injuries to, II. 95 to 106. 107 to 121. *Ad. I.* 63, 4. *Ad. II.* 233 to 243

offences against how punished, II. 900 to 1101. *Ad. I.* 119 to 129. *Ad. II.* 438 to 465

PERSONATING. See ACKNOWLEDGING, BAIL, FORGERY.

PERSUADING. See ACCESSARIES, ALLEGIANCE, DESSERTION, &c.

- PERVERTING.** See CATHOLICS ROMAN.
PETITIONING. See ASSEMBLIES, LIBERTIES AND RIGHTS.
PETIT LARCENY. See BENEFIT OF CLERGY, LARCENY.
PETIT TREASON,
 several species of this offence enumerated ; benefit of clergy taken away from principals and accessaries, II. 907
 See FEMALES.
PEWTER. See RECEIVERS.
PHEASANTS. See GAME:
PIEPOUDRE COURT,
 no steward, &c. of, shall hold plea of any contract, &c. not made, &c. within the fair ; plaintiff to make oath thereof, II. 35
PIER. See HARBOURS.
PIGEONS. See GAME.
PIGS. See COMMONS, TRESPASS.
PIKES. See ARMS.
PIGRIMAGES
 to wells deemed riotous assemblies, II. 438
PILLORY,
 punishment of abolished except for perjury or subornation of perjury, *Ad.* II. 506
PIOUS USES. See CHARITIES.
PIRACY,
 commander or mariner running away with ship or boat, or goods, &c. or yielding them up to pirate, or confederating, &c. with pirate, guilty capitally ; reward for defending ships against pirates, II. 465 to 469
 persons adherent to the king's enemies upon the sea, tried as pirates, &c. II. 469
 See ADMIRALTY, INDICTMENT.
PLACEMEN. See PARLIAMENT.
PLACES OF WORSHIP. See ASSEMBLIES, CATHOLICS, DISSENTERS.
PLAGUE. See QUARANTINE.
PLAINT. See COUNTY COURT.
PLANTATION AND PLANTS. See LARCENY.
PLANTING. See TREES.
PLATE. See FORGERY, RECEIVERS.
PLAYS. See GAMING, PROFANENESS.
PLEADING,
 defendant, &c. in any action, or plaintiff in replevin, may plead double with leave of court ; costs to plaintiff, &c. of demurrer to or verdict upon further plea, unless probable cause for it certified, II. 225
 in action on bonds, &c. for non-performance, &c. of covenants, &c. therein, plaintiff may assign several breaches, and damages thereon assessed severally ; and several breaches also assignable by suggestion on the roll, where judgment confessed, &c. II. 225, 6
 payment pleadable to actions on single bills or judgments ; and to bonds with conditions though not at day or place, &c. and, pending action, principal, interest, and

PLEADING *continued.*

costs may be brought into court, and defendant discharged, II. 226

payment pleadable to suits or bonds, judgments, statutes, &c. unless suit or payment on foot thereof within 20 years, II. 224

mutual debts set off against each other in pleading, (or in evidence with notice) : but where debt to be set off accrues by a penalty in a bond, &c. the plea shall shew how much is due on either side, II. 222

See ABATEMENT, AMENDMENT, DEMURRER, ERROR, LIMITATION, VENUE, &c.

PLEAS OF THE CROWN. See COURT LEET.

PLEDGES. See ACCUSATION, DEMURRER, ERROR.

PLOUGHING BY THE TAIL. See CUSTOMS BARBAROUS.

PLOUGH-BOTE. See LARCENY, TREES.

PLUNDERING. See WRECKS.

PLURALITIES. See ECCLESIASTICAL PERSONS.

POISONING. See ABORTION, INDICTMENT.

POLES. See LARCENY.

POLICE. See CONSTABLES, INSURRECTION, WATCH AND WARD.

POLICIES. See ASSURANCES.

POLYGAMY, See BIGAMY.

POND. POOL. See FISH,

PONE. See REPLEVIN,

POOR,

overseers chosen, and rates assessed for the relief of the poor in the several parishes, &c. in England, I. 277, 8. *Ad.* II. 84

power of overseers to remove them to the place of their last legal settlement, I. 278

what shall make such settlement, I. 278, 9. 280. *Ad.* II. 508, 9

power of removal restrained as to certificated poor, and soldiers and mariners until chargeable, I. 280. *Ad.* II. 84

several statutes relating to, I. 280. *Ad.* I. 18

maintenance of, by incorporated societies, I. 280, 1, 2, 3. governors, &c. of poor-houses restrained as to punishing corporally, or chaining or imprisoning, *Ad.* II. 85. 509

provision made for establishing corporations for relief of poor in the several counties, &c. of Ireland, houses of industry built, and poor maintained by grand jury presentments, &c. I, 283 to 286

grand juries in Ireland also empowered to present for asylums, &c. for lunatics and idiots ; and for poor exposed infants or foundlings, I. 286. *Ad.* II. 85

statutes encouraging the institution of friendly societies and saving banks, *Ad.* II. 85

See APPRENTICES, CHILDREN, DISPENSARIES, HOSPITALS.

POPE. See CATHOLICS, PRÆMUNIRE, &c.

POPULAR ACTIONS. See PENAL ACTIONS.

PORTS. See HARBOURS.

PORT CORN RENTS,

history of this branch of the revenue, I. 176

POSSE COMITATUS. See ASSEMBLIES.

POSSESSION AND POSSESSORY ACTIONS. See ASSIZE, DEFORCEMENT, EJECTMENT, ENTRY, FORMEDON.

POST-FINES. See FORGERY, REVENUE.

POSTHUMOUS CHILDREN,

may take under a limitation to son or sons, &c. though no estate to trustees to preserve contingent remainders, I. 471

POST-OFFICE. FORGERY, LARCENY.

POST ROADS. See HIGHWAYS.

POUNDS. See DISTRESS.

POUNDAGE,

sheriffs, &c. suing upon bail-bonds, &c. on behalf of the king, excluded from, as if proceedings were directly in the name of the king, *Ad.* I. 86

See EXECUTION.

POWERS.

deeds in execution of powers, trusts, &c. requiring the instrument to be signed by persons executing the same, valid, though the attestation of witness does not express the fact of signing, *Ad.* II. 196, 7

POYNING'S LAW. See PREFACE.

PRÆMUNIRE,

abbots, &c. (before dissolution of monasteries, &c.) prohibited to send any thing to their superiors beyond sea, &c. II. 524, 5

purchasing a provision in the court of Rome for an abbey, how punished, II. 525

the king and other patrons, &c. shall have their collations, &c. without being disturbed by provisions from Rome, II. 525, 6

none shall farm, &c. any benefice of an alien, without the license of king and council, II. 526

no alien shall possess or occupy any benefice within the realm, II. 527

penalty for going out of the realm to provide a benefice within, II. 527

persons accepting collations, &c. from the pope how punished, II. 527

no license or pardon of provision shall be granted of a benefice full: penalty for molesting by colour of such licenses, &c. II. 528

penalty for accepting a provision from the pope to be exempt from obedience, or for purchasing bulls to be exempt from tithes, II. 528

persons suing in a foreign court to impeach judgments in king's courts, outlawed, &c. II. 528

bonds in courts out of the realm void, II. 529

suing citations from Rome; or obtaining in court of Rome

PRÆMUNIRE *continued.*

benefices, &c. appropriated to churches cathedral, &c. II. 529, 530

penalty for bringing excommunications, &c. within the realm against persons putting in force the statute of provisors, II. 531

penalty for purchasing in Rome, &c. translations of bishops, or excommunications, &c. II. 531

penalty for purchasing, &c. benefices *in commendam* from Rome, II. 532, 3

suing to Rome for licenses, dispensations, &c. II. 534

Peter-pence and such impositions abolished, II. 534

molesting persons in respect to abbey lands, &c. granted upon the dissolution of monasteries, II. 535

monasteries, friaries, nunneries, or other popish fraternities or societies, suppressed in Ireland, II. 538

maintaining the authority, &c. of see of Rome, or any foreign prince, &c. within the realm, II. 535, &c. 541, 2

bringing crosses, pictures, beads, &c. into the realm, or receiving them, II. 543

sending money out of the kingdom to jesuit, &c. or college of jesuits, &c. II. 544.

not lawful to slay one attainted upon any *præmunire*, II. 544

PREACHERS. See DISSENTERS, ECCLESIASTICAL PERSONS.

PRECEDENCE. See OFFICERS.

PRE-CONTRACT. See MARRIAGE.

PRE-EMPTION. See MINES.

PREFINES. See FORGERY.

PREROGATIVE. See KING.

PRESENTMENTS. See BRIDGES, HIGHWAYS, &c.

PRESUMPTION. See LIMITATION.

PRETENCES. See ASSEMBLIES, CHEATING.

PRETENSED TITLE. See CHAMPERTY.

PRIESTS. See ABDUCTION, ARREST, CATHOLICS, ECCLESIASTICAL PERSONS, MARRIAGE.

PRIMER SEISINS. See FEODAL TENURES.

PRINCE REGENT. See PARLIAMENT, TREASON.

PRINCIPAL. See ACCESSARIES, OFFENCERS.

PRINTERS. See LIBELS, MONOPOLIES.

PRINTS. See COPYRIGHT.

PRIORITY. See EXECUTION, JUDGMENTS, REGISTRY.

PRISAGE,

this branch of revenue purchased and abolished, I. 193

Ad. I. 12

PRISONERS,

issuing *habeas corpus* not necessary for declaring against them; but plaintiffs must declare before the end of next term after writs, &c. returnable; and allege in custody of what sheriffs, &c. they are, II. 96, 7

where defendant is a prisoner of the fleet, delivery of a copy of declaration to him, or to the turnkey or porter,

PRISONERS, *continued.*

equivalent to bringing up by *habeas corpus*, and charging them at bar of C. B. or Exc. II. 97, 8. *Ad.* I. 63
 sheriffs, &c. to certify the names of all prisoners in their keeping, to the justices at the next gaol delivery, II. 1109

constables how paid for guarding prisoners, charged with treason or felony, to county gaol, *Ad.* II. 470

no clerk of the crown shall act as counsel or agent for them, II. 1212

judge of king's bench may issue warrant to apprehend any person charged with offence not being treason or felony, in order to his being bound in recognizance to abide his trial ; if such party will not appear and plead, a copy of indictment may be served, and what proceeding thereon, *Ad.* I. 138, &c.

the usual fees on discharging them when acquitted, or when bills of indictment not found, or when discharged by proclamation ; as also the fees of clerks of assize and clerks of the peace, &c. and of sheriffs on granting *liberate* to debtors, to be paid by treasurers of counties, &c. *Ad.* II. 45, 486, &c.

fees in criminal cases, how regulated in Ireland, *Ad.* I. 147
 judges, &c. may order them, when discharged, to be conveyed by a pass, or without fee thereon, II. 1213

returns of those committed, tried, and convicted, &c. to be annually made to secretary of state by the clerks of assizes, &c. *Ad.* II. 490, &c.

See APPROVER, ARRAIGNMENT, BAIL, BENEFIT of CLERGY, BREAKING PRISON, BRIDEWELLS, ESCAPE, EXAMINATIONS, GAOLS, HABEAS CORPUS, INDICTMENT, INSOLVENTS, JUSTICES of PEACE, REWARDS &c.

PRIVATE ACTS. See STATUTES.

PRIVATELY STEALING. See LARCENY.

PRIVILEGED PERSONS AND PLACES,

persons having privilege of parliament may be sued by summons and distress infinite, or by original bill and summons, &c. II. 207, 8

the court may order the issues levied upon the *distringas* to be sold, II. 208

in Ireland commoners privileged from suits, except in the intervals of sessions, *Qu.?* II. 209, 210, 1

no privilege allowed in injunction suits respecting forcible possessions, or to stay waste, or in replevin ; nor in ejectment for non-payment of rent ; nor suit for overholding lands, II. 212

peers of Ireland, how far entitled to the privileges of British peers, I. 358. II. 212

judges shall not issue writs of privilege to officers of liberties, unless on behalf of their ministers, servants, &c. *Ad.* I. 60

PRIVILEGED PERSONS AND PLACES, *continued*

collusive proceedings to oust lords, &c. of their particular jurisdictions, restrained, *Ad. I.* 65, 6

resisting the execution of process in parts of London, Westminster and Southwark, pretended to be privileged, how punished, *II.* 582, 3

See AMBASSADORS, ARREST, BANKRUPT, EXECUTION.

PRIVY COUNCIL,

none but persons natural born, (though naturalized, &c.) shall be members of, *I.* 153. 305

not dissolved by demise of the king, *I.* 153

continued in Ireland during king's pleasure, *I.* 154

See CONSPIRACY, &c.

PRIVY SEAL OR SIGNET. See PATENTS, TREASON.

PRIZE-MONEY. See FORGERY.

PROBABLE CAUSE. See COSTS, &c.

PROBATE. See EXECUTORS.

PROCLAMATION. See ASSEMBLIES, FINES, INSURRECTIONS, PARLIAMENT, PROCESS.

PROCESS,

proclamation of summons in real actions how made, *II.* 189

amercement for default of common summons, *Ad. I.* 70

summons and attachment in pleas of land, *Ad. I.* 71

great distress when awarded, *Ad. I.* 70

sheriffs compellable to acknowledge the delivery of writs, *II.* 190

proceeding where writs delivered to bailiffs of liberties, *II.* 190, 1

sheriff may call out *posse comitatus* in case of resistance, *II.* 191

sheriffs, at the request of lords of liberties, &c. shall appoint deputies to reside near such franchises, *II.* 192

indentures of return executed between sheriffs and bailiffs of liberties, *Ad. I.* 71

sheriffs and bailiffs how punished for false returns as to issues levied, &c. : what shall be accounted issues, *II.* 191. *Ad. I.* 71

See AMBASSADORS, ARREST, BAIL, CAPIAS, ESCAPE, INDICTMENT, OUTLAWRY, PRIVILEGED PERSONS, &c. PROTECTION.

PRO CONFESSO. See EQUITY.

PROCHEIN AMY. See INFANTS.

PROCLAMATION. See ASSEMBLIES, FINE, OUTLAWRY, PARLIAMENT.

PROCTORS

incapacitated to be justices of peace, *I.* 247

PROCTORS, continued

to take the oaths of allegiance, &c. as a qualification for practising, II. 30

their costs taxed ; bill furnished a month before action, *Ad. I.* 57

permitting others to use their names, &c. struck off the roll, *Ad. II.* 224

penalty for practising if not duly admitted, &c. *Ad. II.* 224

PROFANENESS. See **BLASPHEMY, CURSING and SWEARING.**

PROFERT. See **BARGAIN AND SALE.**

PROFITS. See **ACCUMULATION.**

PROHIBITION

of what causes the spiritual judge shall take cognizance notwithstanding this writ, II. 92-3

when it lies in tithe causes, II. 76. 93

lies in suits for defamation by indictes against indictors, II. 93

when it lies where pecuniary penance enjoined, II. 93

copy of libel shall be delivered, to direct party whether he shall answer or purchase this writ, II. 94

PROMISES. See **AGREEMENTS.**

PROMISSORY NOTE. See **NOTE.**

PROPERTY TAX. See **REVENUE.** [*Ad. II.* 40.]

PROPHECIES. See **FALSE PROPHECIES.**

PROSECUTION. See **APPEAL, INDICTMENT, INFORMATION.**

PROSECUTORS

may be ordered their expenses, and, if poor, a compensation for their loss of time, &c. though prisoners acquitted, or no bill of indictment preferred, II. 1209 to 1211. *Ad. II.* 489

where criminal does not stand his trial, prosecutors shall be bound in a new recognizance, or former one continued, *Ad. II.* 1211

See **WITNESSES.**

PROTECTIONS

the abuses of the king's prerogative in granting special protections to persons sued, by reason of their being in his service, restrained, II. 212-3

obtaining, unduly, an act of bankruptcy, I. 616

PROTESTANT DISSENTERS. See **DISSENTERS.**

PROTESTANT SUCCESSION. See **KING,**

PROTESTANT TITLES. See **CATHOLICS.**

PROTESTS. See **BILLS OF EXCHANGE, NOTES.**

PROTHONOTARIES. See **ATTORNIES, JUDGMENTS, RECOGNIZANCES.**

PROVISIONS

selling unwholesome how punished, II. 747-8

See **ADULTERATION.**

PROVISORS. See **PRÆMUNIRE.**

PUBLIC MONEY. See **LARCENY.**

PULLING DOWN. See ASSEMBLIES, MISCHIEF.

PUNCHEON. See COIN.

PUR AUTER VIE. See AUTER VIE, RENT.

PURCHASERS. See CONVEYANCES, EQUITY, JUDGMENTS, &c.

PURGATION. See BENEFIT OF CLERGY.

PURVEYANCE

this branch of king's prerogative restrained, I. 187

QUAKERS

may make an affirmation in a certain form, where by law an oath is required ; but disqualified to give evidence in any criminal cause, or serve on juries, or bear any office of profit under the government, II. 260-1

not to be deemed such till after a year, II. 261

exempted from the penalties for not taking the oath of abjuration, &c. on what conditions, II. 568

See DECLARATION, EQUITY, OATHS, TITHES.

QUALIFYING. See JUSTICES OF PEACE, OATHS, OFFICERS.

QUARANTINE

persons having infectious sores going abroad in contempt of order of mayors, &c. how punished, II. 737-8

persons disobeying quarantine orders guilty capitally, II. 738

masters of vessels that have touched at infectious places not disclosing the same, &c. guilty capitally, II. 739

quarantine officers deserting their duty, &c. guilty capitally, II. 740

persons refusing, &c. to repair to lazarets, &c. or escaping therefrom, whether sent there, or after voluntarily entering them, guilty capitally, II. 738-9

penalty on masters quitting vessels or permitting others to quit them, or not conveying vessels to places appointed for performing quarantine ; and on pilots, &c. quitting them before discharged, II. 739

persons landing, &c. goods, &c. from vessels liable to quarantine, guilty capitally, II. 741

proceedings for breach of quarantine laws how to be, and what evidence therein, II. 742, 3, 4

analogous provisions of quarantine laws in Ireland, II. 744 to 747

QUARE IMPEDIT

clerk of patron recovering in this action may bring bill for account of profits : and clerk defendant in like manner accountable for profits, where judgment obtained upon demurrer, and afterwards affirmed upon writ of error, II. 344

what allowance ordinary may make to curate during such suits, II. 344, 5

See ADVOWSON, LIMITATION.

QUARRELLING IN CHURCH, &c. See AFFRAY, ASSAULT.

QUARTER SESSIONS. See ASSISTANT BARRISTER, JUSTICES OF PEACE.

QUARTERING. See ARMY, TREASON.

QUAYS

prerogative of king, &c. for appointing places for the discharging or shipping goods, &c. I. 160

See LARCENY.

QUEEN. See KING, TREASON.

QUEEN ANNE'S BOUNTY. See ECCLESIASTICAL PERSONS.

QUIA EMPTORES, (statute of). See ALIENATION, (I. 513.)

QUIETUS

charters of exemption from juries, &c. when not available, *Ad.* I. 78

See JURIES.

QUI TAM ACTIONS. See PENAL ACTIONS.

QUIT RENT

history of this branch of the revenue, I. 178 to 187

QUO WARRANTO

ancient statute of, II. 174

liberties enjoyed before the time of king Richard not to be disturbed ; old charters confirmed, II. 176

where pleas in, shall be determined, II. 176

informations in the nature of, exhibited by relators, with leave of the court, against such as intrude into offices or franchises ; court may give judgment of ouster, and fine parties, and give costs to relator or defendant, II. 177

defendants may plead their exercising the offices, &c. for 5 years, in bar ; but forfeiture, &c. may be replied, II. 177-8

title derived under election, &c. not affected by defect of title in persons electing, &c. who were in the exercise of franchise for 6 years, II. 178

penalty on mayors, &c. refusing members of corporations to inspect entries of admission of freemen, &c. II. 178.

court may allow time to plead, &c. II. 179

excepted out of the Irish statute for striking special juries, II. 252

statutes of jeofails extended to these proceedings, II. 180

See MANDAMUS.

QUOD EI DEFORCEAT, writ of. See DEFORCEMENT.

QUOD PERMITTAT.

remedy for successors of parsons against disseisor or their heirs, II. 163

QUORUM. See JUSTICES OF PEACE.

RAILS. See LARCENY, MISCHIEF.

RAPE

made a capital felony, II. 917

See APPEAL, CHILDREN.

RAVISHMENT OF WARD. See GUARDIAN.

READINGS. See ASSEMBLIES.

REASONABLE PARTS

right of wife and children to, independent of husband's disposition of his personal estate, abolished, I. 654, 5

REBELLION. See ANNIVERSARIES, TREASON, &c.

RECEIVERS OF STOLEN GOODS, &c.

deemed accessories after the fact; and may be transported for 14 years: and harbourers of thieves, &c. also, II. 587-8. 595

may be prosecuted as for a misdemeanor, and punished corporally, or by fine or imprisonment, though principal not convict, or amenable, II. 588-9

powers of justices of peace to search for stolen goods: and for constables, watchmen, &c. to apprehend suspected persons, II. 589

if under the age of 15 years, pardoned upon discovering 2 others, II. 590-4-5

persons knowingly buying or receiving stolen lead, iron, copper, brass, bell metal or solder, transported for 14 years, II. 590

persons with whom such stolen lead, &c. is found, to account for it, &c. or punishable for a misdemeanor, &c. II. 591, 2, 3

persons guilty of stealing lead, &c. pardoned upon discovering two receivers, II. 594

knowingly or clandestinely buying or receiving any pewter pot or vessel, &c. how punished, II. 594

person knowingly buying or receiving any stolen jewel, gold or silver plate, or watch, transported for 14 years, II. 595

analogous provisions of the Irish statutes, II. 588-9. 595-6

persons altering or defacing names or crests, &c. on watches or family plate, unless bought at a public auction, &c. deemed receivers of stolen goods, II. 596-7

See ACCESSARIES, INDICTMENT, LARCENY.

RECOGNIZANCES

day of inrolment to be set down in margin of roll, and to bind lands in the hands of purchasers from that time, I. 544

prothonotaries of K. B. and C. B. and remembrancer of Exc. to have the custody of, I. 544

in the nature of a statute staple, in what form acknowledged and inrolled, &c. I. 541 to 544

See ACKNOWLEDGING, CERTIORARI, EXAMINATIONS, FORFEITED RECOGNIZANCES, GOOD BEHAVIOUR, PLEADING, PROSECUTORS, SCIRE FACIAS.

RECORDS

embezzling, vacating or falsifying, a felony, II. 581

See AMENDMENT, ERROR, EXEMPLIFICATION, FINES, PATENTS, RECOVERIES, STATUTES

RECORDARI. See REPLEVIN.

RECORDERS. See JUSTICES.

RECOVERY COMMON

how inrolled and certified, and fees thereon, I. 568-9.
570

shall not bar the king's reversion, &c. I. 573

by tenant for life, without assent of him in reversion or remainder, void, I. 574

valid without surrender of under-leases, I. 574

deed making a tenant to the *præcipe* evidence of, after 20 years possession by purchaser, I. 575

proof of deed making tenant to the writ dispensed with after 20 years, if it appears that there was a tenant, &c. I. 575

fine or deed for making the tenant to the writ may be levied, &c. at any time before the end of the term, &c. I. 576

recoverers may distrain, &c. and have *quare impedit*, as those against whom recoveries are had, I. 576

termors may falsify recoveries, I. 577

declaration of trusts of, may be after suffering, I. 577

suffering in another's name a capital felony, II. 581

See COPYHOLDS, ERROR, LIMITATION, RETURN DAYS.

RECUSANTS

penalty for not resorting to church on Sundays and holidays ; and absence for a month or year, how punished, II. 397. 404-5

persons having divine service in their own houses, and attending church 4 times in the year, exempt from penalties, II. 398

persons submitting, &c. before judgment, discharged, II. 398

convictions for how and where to be ; and penalties how enforced, II. 399. 404

obstinately refusing to repair to church, or persuading others to absent themselves, or being present at illegal conventicles, how punished, II. 400

not conforming within 3 months after conviction, to abjure the realm ; and refusing to depart, &c. or returning without license, a capital felony, II. 401-7

what submission before abjuration discharges them from penalties, II. 401-7

persons abjuring forfeit goods, and lands during life : forfeitures how recovered, II. 403

proclaimed at assizes or sessions, II. 403, 4

popish recusants convict shall not go 5 miles from home, or forfeit goods and lands during life : but license may be obtained from king, or 3 privy counsellors, II. 405. 410

repairing to their dwellings how notified, &c. II. 406

proviso as to females covert, and persons having certain property, II. 406-8

popish recusants convict conforming shall receive the sacrament, II. 408

RECUSANTS, *continued.*

monthly absence from church to be presented at the quarter sessions by church wardens and chief constables, II. 409

houses may be broke open to take recusants excommunicate, II. 409

recusant widows forfeit two parts of dower, &c. II. 409

femes covert being recusants convict committed to prison, unless redeemed by their husbands, II. 410

popish recusants convict shall not come into king's presence, nor dwell within 10 miles of London, II. 410

recusants convict disabled to follow certain professions, or exercise public offices, &c. II. 411

disabilities and forfeitures of popish recusants convict who marry contrary to the orders of the church of England, II. 412

penalty on popish recusants not having their children baptized according to law, within a month after their birth, II. 412

penalty for burying popish recusants in other place than in church or church-yard, II. 413

recusants convict shall not be executors, &c. or guardians, nor have arms, &c. except for defence of house, &c. II. 413

penalty for maintaining, &c. recusants, II. 414

in Ireland recusants liable only to ecclesiastical censures, and to a penalty of 12*d.* II. 415

the statutes against recusancy shall not extend to protestant dissenters, taking certain oaths, &c. II. 414-5

Roman catholics taking a certain oath also exempted from the penalties of recusancy, II. 415-6

constructive recusancy in not taking the oath of supremacy, &c.—See OATHS.

REGISTRY

memorials of deeds and wills in what form, and how executed, in Ireland, for the purpose of registry: and what form of certificate indorsed on deed, &c. by register, I. 545-6

books how kept by register, I. 546

where more writings than one for perfecting any conveyance, registry how to be, I. 546

before whom affidavit of the execution of deed and memorial is to be sworn, I. 544-6

within what time wills must be registered, I. 547

deeds and wills made in Great Britain, affecting lands in Ireland, how registered, I. 547

heirs. &c. of grantees or devisees may execute memorials where such grantees, &c. die before executing, &c. I. 548

satisfaction of mortgages how registered, I. 548-9

duty of register in respect to searches, and granting negative certificates, I. 550

REGISTRY *continued.*

effect of registry with respect to giving priority, I. 551

analogous provisions in the statutes respecting the register counties in England, I. 551, 2

registers of baptisms, marriages, and burials, to be kept by officiating ministers of parishes: certified copies to be transmitted by church wardens, &c. to registrars of dioceses, *Ad.* II. 181 to 190

forgery, &c. in respect to such registry-books or copies, how punished, *Ad.* II. 186

See ANONYMOUS PARTNERSHIPS, BANKERS, CHARITIES, MARRIAGES, SHIPS, TRADERS.

REGRATORS.

persons having sufficient corn of their own, buying it in the common market, adjudged regrators, II. 702

RELAPSING. See CATHOLICS ROMAN.

RELATORS. See QUO WARRANTO.

RELIEFS,

how far reserved upon the abolition of feudal tenures, I. 444, 5

RELIGION. See ARTICLES OF RELIGION.

REMAINDER. See ATTORNMENT, BANKRUPT, FINE, RECOVERY.

RENEWAL. See EQUITY, LEASES, &c.

RENT,

executors, &c. of tenants in fee simple, fee-tail, or for life, may bring debt, distrain, &c. for arrears, II. 155

husbands may bring debt or distrain for arrears of freehold rent due in their wives' life, II. 155

debt may be brought against tenant for life, for arrear of rent due during continuance of estate, II. 156

arrears of, may be distrained for within 6 months after the expiration of leases, landlord's title, and tenant's possession, continuing, II. 156

tenant *pur auter vie*, or his executors, &c. may bring debt, or distrain after the death of *cestui que vie*, for rent due in his life time, II. 256

bishops, or their executors, &c. may, within 2 years, bring debt or distrain for arrears of rent due at time of their translation, II. 157

recovered by action for use and occupation, upon parol demises or agreements not by deed, II. 157

where demised premises are deserted, and no sufficient distress, possession summarily recovered. II. 158. *Ad.* II. 243, 4, &c.

summary proceeding in Ireland, by civil bill, to eject tenant where a full year's rent is due, such yearly rent being less than £20. *Ad.* II. 247, &c.

See ACCUMULATION, APPORTIONMENT, ASSIGNEES, DISTRESS, EJECTMENT, REPLEVIN.

REPLEVIN,

sheriffs' jurisdiction to hold pleas in, II. 107

where tenants disclaim their tenures by plea, cause removed by *pone* or *recordari*, II. 108

REPLEVIN *continued.*

sheriffs must take pledges *de prosequendo*, and for returning distress if return awarded, II. 108

writ of second deliverance and judgment thereon, II. 109

deputies appointed by sheriffs to make replevins, II. 109

what security by party replevying distress for rent ; bond assignable to avowant, &c. II. 110

bond taken from all plaintiffs in replevin in inferior courts, II. 110

avowry for rent, &c. may be made without naming tenant : but like pleas thereto, &c. as at common law, II. 111

avowries for rent may be general without setting forth title : double costs of judgment, &c. thereon, II. 111, 2.

general avowry in Ireland on (parol) demise, or any minute, &c. in writing, II. 112

what damages and costs recovered by avowants, &c. II. 112

proceeding to ascertain arrears of rent and value of distress, where plaintiff non-suited before or after issue joined, or in case of verdict, or judgment upon demurrer, II. 112, 3

bonds assignable without stamp, but to be stamped before action, *Ad.* II. 254

See DISTRESS, &c.

REPRESENTATION See ADMINISTRATION, ASSEMBLIES.

REPRIEVE. See BENEFIT OF CLERGY, MURDER, PARDON.

RESCUE. See BREAKING PRISON, DISTRESS, ESCAPE, HABEAS CORPUS, and other particular heads.

RESIDENCE. See ECCLESIASTICAL PERSONS.

RESIGNATION. See CHARITIES, ECCLESIASTICAL PERSONS.

RESPITE. See BENEFIT OF CLERGY, MURDER, PARDON, RESTITUTION,

awarded to party robbed on attainder of felon, II. 1213.

if goods stolen cannot be found, owner how reprised, II. 1214

See ENTRY FORCIBLE, &c.

RESTORATION. See ANNIVERSARIES.

RESTRAINING STATUTES. See LEASES.

RETAINING. See CORPORATIONS, MAINTENANCE.

RETURNS. See ERROR, HABEAS CORPUS, MANDAMUS, PARLIAMENT.

RETURN DAYS OR DAYS IN BANK,

of Trinity and Michaelmas terms altered and abridged. II. 182, 3, 5

days given in real actions ; in dower, *darrein presentment*, *quare impedit* and attaint : summons *ad warrantizand.* in recoveries abridged to 5 returns, II. 182 to 187

REVENUE,

- arising from custody of the temporalities of bishops, I. 165
- first fruits and tenths, I. 166 to 173. *Ad.* I. 11
- fees upon faculties and dispensations, I. 174
- rents and profits of demesne lands, I. 174 to 178. *Ad.* I. 11. *Ad.* II. 32, 3, 4
- quit rents, I. 178 to 187. *Ad.* II. 34
- the king's forests, I. 188. *Ad.* II. 33, 4.
- profits of the courts of justice, I. 188.
- royal fish, I. 188.
- wreck of the sea, I. 188, 9
- royal mines, I. 189. *Ad.* II. 35
- custody of idiots and lunatics. I. 190, 1. *Ad.* I. 11. *Ad.* II. 35, 85, &c.
- land tax, I. 191. *Ad.* I. 12. *Ad.* II. 35
- malt tax, I. 192. *Ad.* II. 35
- customs, I. 192 to 195. *Ad.* I. 12. *Ad.* II. 36, 7
- excise, I. 195-6. *Ad.* II. 38
- postage duties, I. 196. *Ad.* II. 39
- stamp duties, I. 197. *Ad.* I. 12. *Ad.* II. 39
- duty upon hawkers and pedlers, I. 197. *Ad.* I. 12. *Ad.* II. 39
- assessed or inland taxes, I. 197, 8, 9. *Ad.* I. 13. *Ad.* II. 39, 40
- war taxes, I. 199, 200. *Ad.* I. 13. *Ad.* II. 40
- property tax, I. 200. *Ad.* II. 40
- duties upon offices and pensions, I. 200. *Ad.* I. 13. *Ad.* II. 40
- lotteries, I. 201. *Ad.* II. 40

See CIVIL LIST, CONSOLIDATED FUND. SINKING FUND.

REVENUE OFFICERS. See OFFICERS, PARLIAMENT.

REVENUE. See COMMISSIONERS OF APPEALS. SMUGGLING.

REVERSIONS. See ASSIGNEES, ENTRY, ERROR.

REVILING. See BOOK OF COMMON PRAYER, SACRAMENT.

REVOCATION. See DEVISES, NUNCUPATIVE WILLS.

REWARDS,

- any person taking reward for or under pretence of helping any person to stolen goods, guilty of felony; prosecutor how rewarded, II. 587
- offering reward for return of things stolen, &c. with no questions asked, &c. or publishing the same, how punished, II. 598
- for apprehending, &c. jesuits, &c. II. 418, 9. 539
- for discovering piratical combinations, II. 467
- for convicting coiners, &c. II. 487. 490, 2
- for discovering persons stealing king's stores, &c. II. 518
- for discovering arms of papists, II. 560
- for apprehending persons selling stolen lead, II. 596.
- to persons wounded, &c. in apprehending offenders against black act, and whiteboy act, II. 627, 634
- for apprehending smugglers. II. 677

REWARDS *continued.*

- for apprehending vagabonds, II. 767. 772, 3
- to constables for preserving salmon fishery, II. 893
- to prosecutors of persons stealing or killing sheep, &c. II. 978. 981. 1020
- to prosecutors of persons burning stacks of corn, houses, &c. II. 1012
- for apprehending persons privately stealing from shops, &c. II. 997, 8, 9. 1158
- for apprehending robbers on the highways, &c. or in streets of cities, &c. II. 1155 to 1158
- for apprehending burglars or house-breakers, II. 1159. 1160, 1
- for apprehending, &c. murderers or robbers in Ireland, *Ad. I.* 140
- for convicting offenders returning from transportation, II. 1225

See PROSECUTORS.

RHYME. See BLASPHEMY.

RICKS. See LARCENY, MISCHIEF.

RIGHT, WRIT OF. See LIMITATION. WAGER OF BATTLE.

RIOT. See ASSEMBLIES, PARLIAMENT.

RIVERS. See FISH, LARCENY, MISCHIEF.

ROADS. See HIGHWAYS, POST ROADS, TURNPIKE ROADS.

ROBBERY. See HUE AND CRY, LARCENY, REWARDS.

ROGUES. See VAGABONDS.

ROLLS. See MASTER OF THE ROLLS.

ROME. See CATHOLICS. PRÆMUNIRE.

ROLY-POLY OR ROULET. See GAMING.

ROOTS. See LARCENY.

ROYAL. See ASSENT, KING, REVENUE.

SABBATH. See SUNDAY.

SACRAMENT,

how to be administered, II. 375

depraving, reviling, &c. how punished, II. 374

See BOOK OF COMMON PRAYER, CATHOLICS, OFFICERS, PARLIAMENT.

SAFE CONDUCT

merchants strangers to buy and sell without evil tolls : but in war to be treated as ours are in enemy's country, II. 461, 2

letters of, in what form : inrolled in chancery, II. 463

remedy in chancery against breakers of, II. 464

See LETTERS OF MARQUE.

SALE. See AGREEMENT, CONVEYANCE.

SALVAGE

duty of sheriffs, justices of peace, &c. upon information of vessels being in distress : *quantum* of salvage how adjusted and raised : sheriffs, &c. how paid for their trouble, II. 962 to 969

SALVAGE, continued

persons entering vessel without leave ; or impeding the saving of it ; or defacing the marks of goods therein how punished, II. 964, 5

persons assaulting officers in the exercise of this duty how punished, II. 965

justices of peace may raise *posse comitatus* in execution of this duty, II. 966

subordination of salvage officers established, II. 966

duty of officers of the revenue in respect to, II. 967

salvors acting under authority of any magistrate, or superior officers, &c. or owners, entitled to salvage, though no application made to officers of customs, &c. II. 968. *Ad. I.* 123

persons saving vessel in the absence of those employed or authorized, entitled to salvage, II. 964

analogous provisions in Ireland in respect to salvage, II. 969 to 977

parties may appeal, in Ireland, to lord lieutenant and council, or judges of assize, from adjustment of justices : proceeding upon such appeals, II. 971 to 976

felony to detain vessel after owners have entitled themselves to the possession by complying with these laws, II. 976

reports of wrecks, &c. to be made to the admiralty, &c. before appropriation of them by lords of manors, &c. ;

perishable goods how disposed of ; liberty of passage over lands for preservation of wrecks how provided for ;

questions respecting salvage of ships, &c. between high and low water mark where cognizable ; and penalties under salvage acts how recovered, *Ad. II.* 444 to 447

cutting away buoys or buoy-ropes, whether attached to vessels in distress or otherwise, how punished : and persons purchasing, &c. anchors, cables, &c. which have been taken up, &c. when punished as receivers of stolen goods, *Ad. I.* 122

SANCTUARY

taking, an act of bankruptcy, I. 615

plea of, abrogated, II. 1198

ST. HELENA. See **BUONAPARTE.**

ST. PATRICK'S PURGATORY. See **PILGRIMAGES.**

SATISFACTION. See **ASSEMBLIES, HUE and CRY, MISCHIEF, RESTITUTION.**

SAVING BANKS. See **POOR.**

SCALD-CROW. See **GAME.**

SCALES. See **MEASURES and WEIGHTS.**

SCHOOLS

nonconformists excluded from keeping school, or instructing youth as tutors, &c. : and penalty on such schoolmasters, and on those who employ them, I. 325. II. 384-5. 426

protestant dissenters exempt from those penalties, on taking certain oaths, &c. II. 388. 393

SCHOOLS, continued

papists how punished for keeping school, or taking on themselves the education, &c. of youth, II. 426-7-8

Roman catholics may instruct youth, (except children of protestants) upon taking certain oaths, &c.; and recording their names at sessions; but not to be masters of colleges or schools, &c.; nor to found any school, academy, or college, &c. II. 427

in Ireland all disabilities removed on taking certain oaths, *Qu?* II. 429

seminary established at Maynooth for the education of Roman catholics, exclusively, II. 429 to 433

commissioners of education incorporated for the purpose of visiting, &c. the schools of public and private foundation in Ireland: their powers as visitors: lands granted for support of schools vested in them; and income thereof how disposed of: commissioners may purchase or exchange lands for the use of free schools: ecclesiastical persons, &c. may convey 2 acres of ground as scites for diocesan or district schools: and grand juries present for purchasing, building, &c. school-houses, or procuring scites for the same: powers of lord lieutenant and council as to purchasing school houses, consolidating schools, and appointing salaries of schoolmasters, *Ad.* II. 310 to 322

See CATHOLICS, CHARITIES, ECCLESIASTICAL PERSONS.

SCIRE FACIAS

to authorize suing out execution after the year upon judgments and recognizances: upon fines levied, II. 313

for obtaining new execution where lands seized, or part, have been evicted, II. 314

[*extents upon judgments, &c. not avoided or delayed by omission of part of the lands extendible, II. 314]

in *scire facias* against heir and ter-tenants, the names of all the ter-tenants need not be inserted, II. 315

limitation for, upon fines and recoveries, II. 289

See COSTS, INFANT, JUDGMENT, KING'S DEBTS, PLEADING.

SCOLLOPS. See LARCENY, TREES.

SCRIPTURES. See APOSTACY.

SCRIVENERS

liable to bankruptcy, I. 615

their fees for procuring money limited, II. 696

their fees on contracts for annuities, *Ad.* II. 211

SCULPTURE. See COPYRIGHT.

SEA-BANKS. See MISCHIEF.

SEALS

great seal of Ireland may be used after the union, I. 566

See FORGERY, PATENTS, TREASON.

* This provision should have been referred to under the head of "Execution."

- SEA FISH. See FISH.
- SEAMEN. See FORGERY, LIMITATION, MARINE FELONIES and FORCES, NAVIGATION, NAVY, SEDUCING.
- SEARCH - WARRANT. See ARMS, COIN, LARCENY.
- SECEDERS. See DISSENTERS, OATHS.
- SECRET WEAPONS. See ARMS.
- SECURITIES. See CONVEYANCES, JUDGMENTS, RECOGNIZANCES, &c.
- SECURITY FOR GOOD BEHAVIOUR. See Good BEHAVIOUR.
- SEDITION
affirming, by speaking, writing, &c. that any person is bound to endeavour a change of government, &c. II. 547-8
See ASSEMBLIES, FALSE NEWS, FALSE PROPHECIES, KING, TREASON.
- SEDUCING
soldiers or seamen from their allegiance, a capital felony, II. 521. *Ad.* I. 363. 370
See ABDUCTION, ALLEGIANCE, ARTIFICERS, DESERTION, FOREIGN SERVICE.
- SELLING. See BUYING and SELLING.
- SENESCHAL. See MANOR COURTS.
- SENTENCE. See BENEFIT OF CLERGY, FEMALES, MURDER, PILLORY, TREASON.
- SEQUESTRATION. See ECCLESIASTICAL PERSONS, EQUITY.
- SERJEANTS AT LAW
may be appointed in vacation, previous to becoming judges, II. 46
may be justices of assize, &c. II. 46-7
- SERJEANTS AT ARMS
their number limited, and exactions restrained, II. 613
- SERGE. See MISCHIEF.
- SERVANTS
firing or causing to be fired houses, &c. through negligence, how punished, II. 920
See ACCIDENT, ASSAULT, LARCENY, MASTER AND SERVANT.
- SERVICE AND SACRAMENTS. See BOOK OF COMMON PRAYER, ECCLESIASTICAL PERSONS, RECUSANTS.
- SERVING FOREIGN STATES. See FOREIGN SERVICE.
- SESSIONS OF THE PEACE, &c.
for the county of Middlesex may be held notwithstanding sitting of court of king's bench, *Ad.* I. 130
See ASSISTANT BARRISTER, CONSTABLES, INSURRECTION, JUSTICES OF PEACE, WATCH and WARD.
- SET OFF. See PLEADING.
- SETTLEMENT. See AET OF SETTLEMENT, POOR, TRADERS, &c.
- SEWERS
ancient statutes respecting, referred to, II. 59
- SEXTONS
demesnes allocated for them in Ireland, I. 355

SHEEP. See CUSTOMS BARBAROUS, LARCENY.

SHERIFFS

how appointed: what qualification necessary, I. 209 to 211. *Ad. I.* 214

their oaths of office, I. 211-2

in Ireland additional oath required to be taken by sheriffs and sub-sheriffs, at assizes: and a particular form of oath appointed for sheriffs of cities, I. 213-4

their duration in office: they may execute writs in Hilary term, though patent bear date in November, I. 215-6

like returns made upon writs against late sheriffs, as against other persons, *Ad. II.* 304

they or their deputies shall not act as justices of peace, I. 216

no under-sheriff or sheriff's clerk shall act as clerk of the peace, *Ad. I.* 14

no under-sheriff, sheriffs' clerk, &c. shall practise as an attorney, in the king's courts; or at sessions, *Ad. II.* 45

process unexecuted, how turned over to succeeding sheriffs: no sheriff bound to return any writ, &c. unless required within 6 months after the expiration of his office, *Ad. I.* 14

sheriffs' expenses restrained, I. 216

statutes referred to, which regard sheriffs' accounts, I. 216-7-8. *Ad. II.* 44

no office or place pertaining to their offices to be bought, sold, or let to farm, I. 219

to abide in person within their bailiwicks, I. 219

no person to be sub-sheriff or sheriff's clerk, or county clerk, who has been in such office within 3 years before, I. 219, 220

what oaths to be taken by under-sheriffs, I. 213. 220 to 223

what recognizance required to be entered into by under-sheriffs, sheriff's clerks, and county clerks, I. 223

under-sheriff to act in case of death of sheriffs, I. 224

penalty for default of under-sheriffs or attornies paying over money received in exoneration of sheriffs, I. 224

double costs in actions by sheriffs against sub-sheriffs (or sureties) for malfeasance or nonfeasance, *Ad. II.* 304

actions for neglect, &c. of under-sheriff, may be brought against himself, instead of high sheriff, *Ad. II.* 305

Roman catholics how far disabled to be, I. 224-5

deputies appointed to make replevins; and to return writs, &c. II. 109. 203

penalty for extortion of sub sheriffs, &c. in respect to bail, *Ad. I.* 76

See ESCAPE, EXECUTION, PROCESS, and other particular heads.

SHILLING. See COIN.

SHIPS

owners of, how far responsible for losses arising to goods on board, without their default, II. 120-1. *Ad. II.* 237 to 243

SHIPS, *continued*

See LARCENY, MISCHIEF, NAVIGATION, NAVY, SALVAGE.

SHOOTING

at any person maliciously, &c. or attempting to discharge loaded fire arms at any person, a capital felony, II. 624.909

See ASSEMBLIES RIOTOUS, SMUGGLING.

SHOOTS. See LARCENY. (II. 946.)

SHOP-BOOKS. See ACCOUNT BOOKS.

SHOPS. See LARCENY.

SHOP KEEPERS. See TRADERS.

SHRUBS. See LARCENY.

SHUFFLE-BOARDS. See GAMING.

SIGNET. See TREASON.

SIGNIFICAVIT

form of, where party contumacious in ecclesiastical court, *Ad. II.* 232

SIGNALS. See ASSEMBLIES, (II. 630.) SMUGGLING.

SILK. See LARCENY, MISCHIEF.

SILVER. See COIN.

SIMONY

corrupt presentations or collations to benefices, &c. void: penalty for corruptly admitting, &c. any person to any benefice, &c. : or for corruptly resigning or exchanging any benefice with cure of souls: and on the taker thereof: corrupt elections of fellows, scholars, &c. in cathedral or collegiate churches, &c. void: penalty on parties to such corrupt elections: penalty for giving or taking reward for ordination or license to preach, I. 511-2-3. II. 445-6-7

if simoniack person be not convicted in his life time, patron, or his presentee, not afterwards prejudiced, on pretence of lapse, I. 512

lease made by simoniack person, *bona fide*, to person not privy to simony, valid, I. 512

corruptly procuring, &c. in one's own name, or in the name of another, the next presentation to a benefice, &c. deemed simoniacal, as if agreement made after benefice became vacant, I. 512-3

SINKING FUND

sketch of statutes respecting, I. 204

SITTINGS. See JURY.

SIX CLERKS. See CLERKS in CHANCERY, EQUITY.

SIXPENCE. See COIN.

SKINNING. See LARCENY. (II. 978 to 982)

SKITTLES. See GAMING.

SLANDER

no indictment, &c. for words, unless information before a justice of peace in one month, or before a judge of K. B. within two, *Ad. I.* 120

See BAIL, COSTS, LIMITATION, TREASON.

SLAVE TRADE

several offences in respect to carrying away slaves made

SLAVE TRADE, continued

felonies : petty officers, &c. navigating slave ships, and parties to policies of insurance thereon, how punished, *Ad. I.* 113 to 116. *Ad. II.* 422

SLUICES. See MISCHIEF.

SMALL DEBTS. See COURTS INFERIOR, ASSISTANT BARRISTER.

SMUGGLING

persons, to the number of 3, assisting with arms in illegal exportation, or landing or relanding of wool or other goods, or in rescuing goods or offender ; or any person maliciously shooting at king's ship, &c. or at any officer, &c. acting in execution of revenue laws, guilty capitally : no other offences against revenue laws capital felonies, *II.* 672. 681-6. *Ad. II.* 423

such offenders proclaimed, &c. *II.* 673-4. 682-3-4

if officers wounded, or goods rescued, damages recovered against county, *II.* 675-6-7

persons obstructing officers of customs or excise in seizing goods, or rescuing such goods, or damaging casks, &c. how punished, *II.* 678, &c. 684

powers, &c. of officers of customs, &c. extended to officers of navy or army, *II.* 687

justices of peace, or justices of K. B. or of *oyer and terminer*, may take cognizance of such offences, though committed on the high seas, *II.* 689

offences made felonies triable in any county, *Ad. I.* 116

analogous provisions with respect to Ireland, *II.* 691 to 695

SNOW. See GAME.

SOCAGE

military tenures converted into free socage, *I.* 443

SOCIETIES. See ASSEMBLIES, POOR.

SODOMY. See BUGGERY.

SOLDIERS. See ARMY, ARREST OF DEBTORS, FORGERY, GAME, SEDUCING.

SOLICITORS. See ATTORNIES.

SOLICITOR GENERAL. See ASSIZE.

SORCERY. See WITCHCRAFT.

SOUTH SEA PROJECT

undertakings of this nature how punished, *II.* 820

SPENCEAN CLUBS. See ASSEMBLIES.

SPIRITUAL COURTS, &c. See ECCLESIASTICAL COURTS, &c.

SPORTS. See SUNDAY.

SQUIBS. See FIREWORKS.

STABBING. See MAIMING, MANSLAUGHTER.

STABLES. See LARCENY, MISCHIEF.

STACKS OF CORN. See MISCHIEF.

STAGE. See BLASPHEMY.

STAMPS. See FORGERY.

STANDARD. See COIN, MEASURES and WEIGHTS.

STAR-CHAMBER

court of, abolished : how originally established, *I.* 4. *Ad. I.* 1.

STATUTES

- royal assent to may be by letters patent, I. 144
- commencement of, from date of royal assent as indorsed, I. 144
- from what term continuing acts shall take effect, though royal assent not given before the acts to be continued expire, *Ad.* I. 10
- petitions for private acts may be referred to one or more judges, in Scotland and Ireland, for examination in respect to, I. 145
- printed copies conclusive evidence thereof, II. 259.

STATUTES MERCHANT AND STAPLE

- how acknowledged and inrolled, I. 540-1
- extents thereon how to be; and effects thereof, II. 310-1-2
- to be brought to clerk of recognizances within 4 months, and entered in 6 months after acknowledged, I. 543-4
- assignees of, shall stand in place of assignors, I. 595
- acknowledging in another's name, a capital felony, II. 581
- See PLEADING, RECOGNIZANCES, RECOVERY, SCIRE FACIAS.

STEALING. See CHILD-STEALING, LARCENY.

STILE. See CALENDAR.

STOCK. See FORGERY.

STOCKINGS. See MISCHIEF.

STOLEN GOODS. See RECEIVERS, RESTITUTION.

STOPPING CORN. See ASSEMBLIES.

STOPPING MAIL. See LARCENY.

STORES. See KING'S STORES.

STRAFFORD'S SURVEY

- of English plantations in Ireland, history of, I. 177

STRANGERS. See ALIENS, SAFE CONDUCT, SUSPECTED PERSONS.

STRIKINGS. See KING'S PALACES.

SUB-CONSTABLES. See CONSTABLES.

SUBORDINATE MAGISTRATES. See CONSTABLES, CORONERS, GAOLERS, HIGHWAYMEN, JUSTICES OF PEACE, POOR SHERIFFS.

SUBORNATION OF PERJURY. See PERJURY.

SUBPCENA UPON BILLS. See EQUITY.

SUB-SHERIFFS. See SHERIFFS.

SUBTRACTION. See RENT, TITHE.

SUCCESSION. See KING.

SUGGESTION. See ACCUSATION.

SUIT OF COURT,

- saved upon abolition of ancient tenures, I. 444
- distresses to enforce this duty restrained, *Ad.* I. 59

SUITORS' MONEY. See ACCOUNTANT-GENERAL.

SUITS. See BARRETRY.

SUMMARY CONVICTIONS. See JUSTICES OF PEACE.

SUMMONS. See PROCESS.

SUNDAY,

- to be kept holy: penalty for profanation of it, II. 447 to 475
- sports and pastimes prohibited on this day, II. 450, 3
- penalties on carriers, &c. travelling, or butchers killing or selling victuals, on Sunday, II. 451, 2, 3

SUNDAY *continued,*

all wordly labour, or crying or exposing goods to sale,
(except milk, &c.) on this day, prohibited, II. 452, 3.

Ad. I. 87

hundred not answerable to travellers robbed on this day,
II. 453, 4

tavern-keepers, &c. not to entertain persons during di-
vine service, II. 454*

penalty for opening houses, &c. for public amusement or
debates on the Lord's day, or advertising the same,
II. 455, 6.

See **ARREST, GAME, RECUSANTS.**

SUPERSEDEAS. See **GOOD BEHAVIOUR.**

SUPERSTITIOUS THINGS IMPORTING. See **CATHO-
LICS.**

SUPERSTITIOUS USES. See **MORTMAIN.**

SUPREMACY,

form of this oath : by whom taken, and when and where ;
penalty for not taking, I. 290, 1. II. 548 to 551,
561 to 569

See **ECCLESIASTICAL COURTS. KING.**

SURCHARGE. See **PASTURE.**

SURETIES. See **ACCUSATION, BAIL.**

SURRENDER. See **LEASES.**

SURROGATES. See **ADMIRALTY.**

SURVEYOR OF HIGHWAYS. See **HIGHWAYS.**

SUSPECTED PERSONS.

may be apprehended by day or night, by constables of
towns, *Ad.* I. 153

in Ireland justices of peace may apprehend strangers so-
journing or wandering : proceeding thereon if they do
not give a satisfactory account of themselves, or find
security, &c. *Ad.* I. 104

in England strangers suspected to be dangerous to the
peace, may be apprehended ; but two justices must
concur, and previous information on oath required,
Ad. II. 400

SUSPENDING LAWS. See **LIBERTIES AND RIGHTS.**

SWANS. See **GAME.**

SWEARING. See **CURSING AND SWEARING.**

SWINDLING. See **FALSE PRETENCES.**

SWINE. See **FISH, TRESPASS.**

TAIL. See **ESTATES, FINES, LEASES, RECOVERY. &c.**

TALES. See **JURY.**

TALLIAGES. See **LIBERTIES and RIGHTS.**

TANYARD. See **LARCENY.**

TAXES. See **COMBINATION, REVENUE,**

TEACHERS. See **DISSENTERS, ECCLESIASTICAL PERSONS.**

TEAL. See **GAME.**

TEMPORALITIES OF BISHOPS. See **REVENUE.**

TENANTS. See **ESTATES, EXECUTIONS, LEASES, OVER-
HOLDING TENANTS, RENT, &c.**

TENANT TO THE PRÆCIPE. See **RECOVERY.**

* The excise laws, (which are not abridged in the digest, or supplement)
also restrain the offence of selling spirits, &c. on a Sunday.

- TENDER.** See BAIL, TRESPASS.
TENNIS. See GAMING.
TENTER. See LARCENY.
TENTHS. See FIRST FRUITS, TITHES.
TENTS. See LARCENY.
TENURES. See FEODAL TENURES, SOCAGE.
TERMORS. See RECOVERY.
TERMS,
 commencement of Trinity and Michaelmas terms altered, II. 182, 3, 5
 See RETURN DAY.
TEST ACT. (25 Car. 2. c. 2.) See OFFICERS.
THANKSGIVINGS. See ANNIVERSARIES.
THATCHING. See LARCENY, TREES.
THEFT. See LARCENY.
THEFTBOTE. See REWARDS.
THIEVES. See HOMICIDE, HUE AND CRY, LARCENY, REWARD.
THREATENING LETTERS OR ADVERTISEMENTS,
 to prevent landlords, &c. from setting their lands, or rectors, &c. from setting their tithes, felonious acts of combination, II. 623
 sending letters threatening to kill any subjects, or to burn their houses, &c. though no money demanded, a capital felony also, II. 628, 9
 sending, &c. letters threatening to accuse any person of any crime punishable with death, or infamous punishment, with intent to extort money, how punished, II. 1004, 5
THREATS,
 persons demanding money by menaces, &c. with intent to rob, liable to be transported for seven years, II. 1002, 3
THROWING SQUIBS, &c. See FIREWORKS.
TILLAGE. See DISTRESS, EXECUTION, MISCHIEF.
TIMBER. See LARCENY, TREES.
TIPPLING. See DRUNKENNESS.
TITHES,
 barren heath or waste ground exempt from tithe of hay or corn, (and hemp, flax, or rape in Ireland) for seven years after being improved, I. 434, 5
 in Ireland barren heath and waste ground exempt from all tithe for seven years after being improved: but notice of such claim and map of such land, verified by 2 surveyors, shall be given to parson, &c. and registered: burning soil without consent of proprietor, not deemed an improvement: if exemption be controverted in any suit for tithes, prohibition on what terms obtained, I. 435, 6. II. 94.
 abbey lands, &c. exempt from, I. 436, 7
 none to be paid for wood under the name of *sylva cœdua*, I. 437
 5s. an acre paid for hemp and flax, I. 437
 in Ireland agistment tithe not to be payable, I. 437, 8

TITHES *continued*,

- right of tithe of corn mills declared ; and to other personal tithes, except from common labourers, I. 437, 8 to be paid according to the ecclesiastical laws, and custom of parish, &c.: jurisdiction of ecclesiastical judge aided by privy council, or justices of peace, II. 73
- lay persons may have like remedies as ecclesiastical, for subtraction of tithes ; costs awarded upon appeals in such suits, II. 74
- treble value recovered of tithes carried away before tenth set forth, or before agreement with parson, &c. II. 75
- withdrawing predial tithes, or obstructing parson, &c. in viewing or carrying them away, punishable with double damages and costs, II. 75
- tithe of cattle depasturing in a common, &c. where parish not known, to whom paid, II. 75
- payment of personal tithes how enforced, II. 76
- suits for subtraction of tithes shall be in the ecclesiastical courts, II. 76
- proceeding in king's bench where prohibition applied for : consultation awarded, and double damages and costs given, if suggestion not proved, II. 76-7
- in Ireland owner of corn, &c. to give 48 hours notice of setting out tithes before removing corn, &c. : person receiving such tithes may make them in stacks on the field, &c. II. 77-8
- in suit for subtraction of predial of tithes what evidence of title of incumbent or impropriator sufficient : title not deemed controverted unless plea denying it be verified upon oath, II. 78
- summary proceeding in Ireland upon citations for predial tithes ; petition to be previously lodged and served : on refusal to pay in 15 days after service of monition, money decreed may be sued for by civil bill, and what proceeding thereon, II. 78-9. 80-1. 65
- tithes or church rates, &c. (not exceeding £10 in England, or £50 in Ireland) recovered in a summary way from quakers before two justices of peace : one justice may issue the summons, II. 81. *Ad.* II. 228
- small tithes not exceeding £10. may be recovered summarily before 2 justices of peace : one justice may issue the summons ; where defendant removes out of the county, judgment how certified : if defendant insists upon any *modus*, &c. justices shall take security of defendant to abide trial at law : judgments of justices inrolled at sessions : proceedings upon appeal to sessions, II. 82. 3, 4. *Ad.* II. 229
- all suits for penalties for not setting forth tithes, or instituted in equity or ecclesiastical court, shall be brought within 6 years, *Ad.* II. 229
- persons disseised of their estates or interests in tithes, &c. shall have remedy in temporal courts by ejectment, &c. II. 135

TITHES, continued

ejectment may be brought for non-payment of rent reserved on leases of tithes, &c. II. 143

leases of tithes for longer time than during incumbency, void, I. 531

under leases, except to occupiers of the lands subject thereto, void, I. 531

See COMBINATION, PROHIBITION.

TITLE BY ESCHEAT, I. 488 to 505. *Ad. I. 42. Ad. II. 181 to 190*

TITLE BY OCCUPANCY, I. 506, 584 to 590. *Ad. I. 46.7 Ad. II. 200 to 207*

TITLE BY FORFEITURE, I. 507 to 513. 590. *Ad. I. 42 to 46. Ad. II. 190 to 196*

TITLE BY ALIENATION. I. 513 to 584. *Ad. I. 42 to 46. Ad. II. 196 to 199*

TITLE BY CUSTOM. I. 593-4

TITLE BY JUDGMENT. I. 594-5-6

TITLE BY GIFT, GRANT AND CONTRACT. I. 596 to 614. *Ad. I. 48. Ad. II. 207 to 212*

TITLE BY BANKRUPTCY. I. 614 to 664. *Ad. I. 48 to 56. Ad. II. 212-3-4*

TITLES

to forfeited estates confirmed, I. 177 to 187. *Ad. I. 151*
of protestants derived through catholics confirmed, I. 505
pretensed, buying or selling, induces what forfeiture, II. 604

TOKENS

no tokens of copper or mixed metal shall be made or issued after June 27, 1817, nor circulate after 1st January 1818; but time for the issue and circulation of Sheffield and Birmingham penny tokens specially extended, *Ad. II. 348 to 353*

See BANK OF ENGLAND AND IRELAND.

TOLERATION ACT. (1 W. & M. st. 1. c. 18. Eng.) See CHRONOLOGICAL TABLE.

TOLLS

persons taking outrageous tolls how punished, II. 613
penalty for taking, in the king's highways or elsewhere, but within cities, &c. where merchandizes be bought or sold, or brought to be sold, *Ad. I. 96*

no issue concerning, to be tried in city where question arises, II. 215

treasurer or chamberlain of corporation may be joined in action against toll-gatherer, unless authority of toll-gatherer disclaimed by chief magistrate, *Ad. I. 96*

boards specifying tolls, &c. shall be erected at fairs, markets, &c.: penalty for levying tolls if boards not erected; schedules to be delivered to clerks of the peace, or levying unlawful, *Ad. II. 371-2-3*

TOLL-BRIDGES

powers of grand juries in respect to, I. 277. *Ad. II. 84*

TONGUE. See MAIMING, MISCHIEF.

TOOLS. See COIN.

TOURN. See COURT LEET.

TRADE

several offences against, II. 671 to 737. *Ad.* I. 113 to 116.
Ad. II. 422 to 430

See ANONYMOUS PARTNERSHIPS, APPRENTICES, COM-
BINATION, &c.

TRADERS

articles, &c. entered into by tradesmen or shop-keepers,
to charge their goods after their deaths for their wi-
dows or children, must be registered within 4 months
after perfecting the same, I. 563

their estates in the hands of heirs or devisees, administer-
ed by courts of equity, II. 337

See BANKRUPTS.

TRANSFER. See EQUITY, REVENUE.

TRANSPORTATION. See BENEFIT OF CLERGY.

TRANSUBSTANTIATION. See DECLARATION.

TRAVERSE. See HIGHWAYS, INQUISITION, MANDAMUS.

TREASON

compassing the death of the king, queen, or eldest son
and heir; or devising bodily harm, &c. tending to
death, &c. or restraint, &c. of king, or to depose him,
&c.; or levying war within the kingdom to compel a
change of measures, &c.; or moving any foreigner to
invade this realm, &c. II. 470-1

in Ireland, by ancient statutes, granting safeguard to re-
bels, &c. or quartering horse or foot on king's subjects;
or receiving rebels coming into Ireland; or stirring
Irishry or Englishry to make war against king; or
slandering the king; or rebelliously detaining fortresses,
&c. or doing any thing to the peril of the king's per-
son, or in derogation of his title; or arrogating the
name of O'Neyle of Ulster, made high treason, II.
471-2-3

adherence to the king's enemies in his realm, II. 473

officer or soldier holding correspondence with the enemy
beyond seas, guilty of high treason, *Qu?* II. 473

violating the queen, king's eldest daughter, or wife of
his eldest son and heir, II. 471

counterfeiting the great or privy seal, or sign manual or
privy signet, II. 474

counterfeiting the king's money, &c. See COIN.

slaying the chancellor, treasurer, justices of K. B. or
C. B. or justices of assize, &c. while doing their offices,
II. 479

defending pope's jurisdiction, or obtaining or publishing
bulls from Rome, *Qu?* II. 479. 480. 541-2

jesuits, &c. born within the realm, &c. and ordained by
the see of Rome, coming into or remaining in the realm;
or those in foreign seminaries not returning when call-
ed upon by proclamation, *Qu?* II. 480-1

withdrawing any subject from his allegiance, &c. or being
withdrawn, or promising obedience to any other state,
II. 481-2

TREASON, *continued*

endeavouring to defeat the protestant succession : by writing or printing, denying the title to the crown under the act of settlement, or authority of parliament to limit the succession, II. 483

same offences treason or misprision of treason in England and Scotland, II. 473

nothing to be adjudged to be treason which is not declared to be so by parliament, II. 483

persons shewing allegiance to the king for the time being, not to be attainted of high treason, or other offence, for that cause, *Ad.* I. 88

upon trial for high treason or misprision of treason, (except for counterfeiting king's coin, or seals, &c.) a copy of the indictment, with a list of the witnesses and jury shall be delivered to prisoner 10 days before his trial : counsel assigned to prisoner : 2 witnesses to each species of treason, &c. laid in the indictment necessary for a conviction : evidence to be produced to such overt acts only, as are laid, &c. : peremptory challenges not to exceed 35 : indictment to be found within 3 years after offence committed, except for attempting assassination of the king : what errors in indictment cured by verdict, II. 1199 to 1202

all peers of parliament shall be summoned for trial of peers or peeresses, 20 days before, &c. II. 1201

trial, &c. how to be where overt act is assassination of the king, or direct attempt against his life, &c. II. 1202

analogous law in Ireland, II. 1203-5, *Ad.* I. 145

jurors in cases of, to be freeholders, II. 1204

in what cases trials for treason shall be according to the common law, II. 1202-5

the common law sentence in cases of high treason altered, *Ad.* II. 505

the laws respecting treason, how far extended to the prince regent, *Ad.* II. 335-6

upon parliamentary impeachments for treason, counsel shall be assigned after articles exhibited, II. 1202

See ATTAINDER, MISPRISION OF TREASON, PETIT TREASON.

TREES

tenants for life, or in tail, with remainder over, entitled to a moiety of the value of such timber trees as they shall plant : proceeding by their executors to charge the remainder-man ; or he may give a moiety in kind, I. 447-8

after 1st Sept. 1766, lessees for lives renewable for ever, and fee farmers, entitled to trees planted by them, I. 449, 452

tenants for life under settlement, lease, &c. or for years exceeding 12, entitled to osiers, &c. by them planted, and to botes, &c. out of timber trees during term, and

TREES, *continued*

to trees after ; but such trees to be registered within 6 months after planting : reversioner may purchase such trees, and value thereof how ascertained ; what tenants excepted, I. 449 to 452

tenants for life, &c. or for 14 years unexpired, may cut or sell during such term, any trees which they shall plant, (except planted in pursuance of any covenant,) if registered in a certain form within 12 months after planting : and such tenants also entitled to a proportion of such coppice wood as they shall enclose, if a certain notice be given of such intended enclosure : tenants may sell their right in said trees or coppices to those under whom they derive : reversioner or inheritor may compel tenants to sell to them ; value how ascertained, I. 452 to 458

See LARCENY, MISCHIEF.

TRESPASS

in actions of trespass *quare clausum fregit*, plea of disclaimer, and that trespass was involuntary, and tender of amends, a bar, II. 150

where cattle are distrained for trespass or damage feasant, justices of peace may require parties to appoint arbitrators to ascertain damage, or in default thereof hear the cause in a summary way, II. 151

treble damages to be paid for swine without rings, &c. or for cattle grazing on the sides of roads, II. 151-2

See COSTS, FENCES, LIMITATION, OFFICERS.

TRIAL BY CERTIFICATE. See BASTARDY, (II. 231)

TRIAL BY JURY

foreign pleas triable by the country upon indictments of felony, &c. forthwith tried before the justices before whom the parties shall be arraigned, II. 1206

See ARRAIGNMENT, EVIDENCE, INDICTMENT, JURY, PROSECUTORS, RESTITUTION, TREASON, WITNESSES, &c.

TRIENNIAL POSSESSION. See EJECTMENT, FORCIBLE POSSESSION.

TRINITY TERM. See TERMS.

TROUT. See FISH.

TROVER. See ASSISTANT BARRISTER, ERROR, LIMITATION, MANOR COURTS.

TRUSTS

all declarations or creations of, shall be in writing, except those arising by implication, &c. : all grants and assignments of, shall also be in writing, I. 538

lands, &c. in the hands of trustee liable to the judgments, &c. of *cestui que trust* only, I. 538

trusts in fee simple shall be legal assets in the hands of the heir of *cestui que trust*, but heir not thereby chargeable out of his own estate, I. 538

See EQUITY, FINES, RECOVERIES, USES.

TUMULTS. See ASSEMBLIES, MISCHIEF, RIOT.

TUNNAGE. See REVENUE.

TURF. See MISCHIEF.

TURKEYS. See GAME.

TURNIPS. See LARCENY.

TURNPIKE ROADS

trustees of, how to sue and be sued; may use a common seal, and take securities to them, as trustees, for performance of any agreement, &c.: to appoint a clerk or register, the service of whom with process shall be deemed good service of the trustees, I. 272-3

treasurers of, to deposit with clerks of the peace, copies of all contracts for making or repairing the same, and of all leases, &c. of gates or tolls, I. 273.

powers of grand juries to examine traversers, and to present necessary repairs: and judge of assize may order execution against them, if such presentments not obeyed, and work done, I. 273

proceeding in chancery against turnpike commissioners, in cases of misapplication, &c, of tolls, I. 274, 5

See MISCHIEF.

TWENTIETH PART. See FIRST FRUITS.

UNDER-SHERIFF. See SHERIFF.

UNIFORM. See ASSEMBLIES.

UNIFORMITY OF WORSHIP. See BOOK OF COMMON PRAYER.

UNION

of English and Scotch parliaments and churches, I. 13 to 15. 18 to 20. 150, 5, 6

of British and Irish parliaments and churches, I. 15 to 18. 20, 1. 151, 6

UNITED BRETHREN,

allowed to make an affirmation instead of an oath: but not to give evidence in criminal cases, or serve on juries: certificate of bishops of said church required, II. 261, 2

UNITED IRISHMEN, &c. See ASSEMBLIES.

UNIVERSITY. See BOOK OF COMMON PRAYER.

UNLAWFUL ASSEMBLIES. See ASSEMBLIES.

UNLAWFUL OATHS. See ADMINISTERING, OATHS.

UNNATURAL CRIME. See BUGGERY.

USE AND OCCUPATION. See AGREEMENT, RENT.

USES,

the possession of lands, &c. shall be in him that has the use: *cestui que use* of rents shall be adjudged to be in possession of such estate in the rent as he had in the use, and may distrain, avow, &c. I. 536-7.

See CHARITIES.

USURY. See CONVEYANCES, INTEREST.

UTTERING. See COIN, FORGERY.

VAGABONDS OR VAGRANTS,

who shall be deemed to be, and how punished: reward

VAGABONDS OR VAGRANTS, continued

for apprehending them : general privy searches made for them : who shall be deemed incorrigible rogues or vagabonds : how removed by vagrant passes, and expenses thereof how paid : to be set to work when removed to their place of settlement in England ; and how dealt with when place of settlement cannot be found : powers of justices of peace as to those who are mad, or otherwise dangerous to be permitted to go abroad : penalty for sheltering vagabonds : beggars with children how to be ordered, II. 767 to 785. *Ad.* I. 118

in Ireland sons of husbandmen and labourers who will not work, punishable by fine and imprisonment : and parents who are not able to keep their children at school to the age of 10 years, also fined if they do not put them to trades or husbandry, II. 785

dealers in horses, and lezers of corn, punishable as vagrants, II. 785, 6

cosherers and idle wanderers bound to their good behaviour, II. 787

idle vagrants who will not work, and loose persons of infamous lives and characters may be presented by grand juries as vagabonds, and transported, unless security given for their good behaviour : but such presentments may be traversed, II. 787, 8, 9

persons begging without a badge or license from the corporation for the relief of the poor, how dealt with, I. 284, 5. II. 789 to 791

See CONSTABLES, GAME, INSURRECTIONS, LOTTERIES, SUSPECTED PERSONS, WATCH AND WARD.

VENIRE. See ERROR, JURY.

VENUE OR VISNE,

in the count to agree with that in the writ, or plea to abate, II. 215.

if laid in the county of any city, &c. court may change it to adjoining county, II. 215

See ERROR, OFFICERS, TOLLS, &c.

VERDICT. See ERROR, JURY.

VERMIN. See GAME.

VESTRIES. See CATHOLICS, CHURCH RATES, CHURCH-WARDENS, &c.

VICARS. See ECCLESIASTICAL PERSONS.

VICE-CHANCELLOR. See CHANCELLOR.

VICTUALLING. See KING' STORES.

VICTUALLERS. See SUNDAY.

VIEW (in real actions,)

shall not be granted where the demand of it is merely dilatory, and not necessary ; and in what other cases, II. 217, 8

See JURY.

VI ET ARMIS. See AMENDMENT, ERROR.

VINTNERS. See ADULTERATION.

VISITORS. See CORPORATION.

VOLUNTEER FORCES,

his majesty empowered to accept their services ; and to disband them ; officers of, how appointed and how to rank : effective members thereof exempt from service, &c. in militia : but may be ballotted for : what shall be deemed effective service : may transfer their services to local militia : how far liable to mutiny act : when called out for suppression of riots, &c. billeted as regulars : officers do not forfeit half pay by enrolment therein, I. 370 to 372. *Ad.* II. 162-3

analogous law in respect to yeomanry of Ireland, I. 372-3

Ad. II. 163

See DEFENCE OF THE REALM.

VOUCHER

what day shall be given to him that is vouched to warranty ; proceeding upon voucher to warranty in writs of assize, writs of entry, and writs of right : what counterpleas shall be received, II. 218-9

See ASSIGNEES, ERROR, RECOVERY.

WAD. See LARCENY.

WAGER OF LAW

no man put to wager of law, nor to an oath, unless lawful witnesses produced against him : feigned surmises to put defendants from their wager of law how tried, *Ad.* I. 77-8

WAGERING POLICIES. See GAMING.

WAGES. See COMBINATION, MASTER AND SERVANT.

WANDERING SOLDIERS, &c.

statutes respecting, repealed, *Ad.* II. 431

WAR. See KING.

WARD. See GUARDIAN.

WAREHOUSES. See ASSEMBLIES, LARCENY, MISCHIEF.

WAREHOUSING. See REVENUE.

WARRANTY

by what words a feoffor shall be bound to warranty : warranty by tenant by the courtesy. or by any tenant for life void : discontinuances, warranties, &c. of woman seised of estate in dower, &c. void ; and if she be sole at the time of such discontinuance, &c. her title barred, and remainder-man may enter immediately, I. 518 to 520

See RECOVERY, VOUCHER.

WARRANT. See ESCAPE, &c.

WARRANT OF ATTORNEY. See ERROR.

WASTE,

action of, maintainable against tenants by the curtesy, &c. and treble damages, and thing wasted, recovered : process in such actions, II. 153

no waste or estrepement shall be made pending suit for the land, II. 153

where tenant in common commits waste, the part wasted shall be assigned to him, &c, II. 154

WASTE, continued

heir shall have an action for waste done in the time of his ancestor, II. 154

maintainable against immediate tenant, who grants away his estate, and receives the profits, II. 154

WATCH AND WARD

duties of watching and warding how enforced where 5 justices at special general sessions concur in stating the expediency of it : duty of chief constables, and parish constables and overseers of the poor, in respect thereto : special constables appointed at special sessions : what persons bound to perform the duties of watching, &c. : how specially exempted : what duties liable to : weekly reports made in respect to the conduct of those watching, &c. : expenses of, how defrayed : powers of justices as to apprehending and removing strangers, &c. *Ad.* II. 388 to 404

WATCHES. See RECEIVERS,

WATERFOWL. See GAME.

WEAPONS. See ARMS.

WEARS. See FISH.

WEAZEL. See GAME.

WEIGHTS. See MEASURES.

WELLS. See PILGRIMAGES.

WESTMINSTER. See ASSEMBLIES.

WHARFS. See LARCENY.

WHIPPING. See BENEFIT OF CLERGY, FEMALES.

WHITEBOY ACT. (15 & 16 Geo. 3. c. 21.) See ARMS, ASSEMBLIES.

WIDGEON. See GAME.

WILLS

in writing, concerning personal estate, shall not be repealed or altered by word of mouth only, unless committed to writing in life of testator, and read by him, and allowed by him in presence of 3 witnesses : exception as to soldiers or mariners, I. 661

See DEVISES, FORGERY.

WINE. See ADULTERATION.

WITCHCRAFT, &c.

pretending, thereby, to tell fortunes, or discover where goods supposed to be stolen or lost may be found, how punished in England, II. 444

persons exercising any, in Ireland, whereby any person shall be killed, guilty capitally ; and if any person shall be wasted thereby, or goods destroyed, &c. offence how punishable, II. 444, 5

undertaking thereby to tell where treasure of gold or silver, or things lost or stolen, may be found, or practising to provoke any person to unlawful love, or to hurt any person in body, goods, &c. how punished, &c. II. 445

WITHDRAWING. See ALLEGIANCE, SEDUCING, &c.

WITNESSES

bound to answer questions though tending to subject them to civil suits, II. 260

penalty for their refusing to give evidence in courts of record, II. 260

in what cases competent though interested, I. 263. II. 259

commissions for examination of, in India, II. 263

for prisoners, shall be sworn in like manner as witnesses for the crown, II. 1207

subpœna, &c. may be served in one part of the united kingdom, to compel attendance of, in another, II. 1208

judge of any court of record in Westminster, Dublin, &c. may indorse letters of second diligence issued in Scotland, *Ad.* II. 469

informations or examinations of, upon oath, for any offence, shall be admitted as evidence, if they shall be murdered, maimed or secreted, &c. and money presented for, when maimed, or families of, when murdered, *Ad.* I. 103.4

WOMEN. See FEMALES, FEME COVERTS.

WOOL. See CUSTOMS BARBAROUS, LARCENY.

WORDS. See SLANDER.

WORKHOUSES. See BRIDEWELLS, POOR.

WORKSHOP. See ASSEMBLIES, LARCENY.

WOUNDS. See CORONER, &c.

WRECKS. See SALVAGE.

WRIT

no writ concerning the common law shall go under any of the petty seals : and in Ireland no writ original shall be received but under the great seal of Ireland, *Ad.* I. 60

See BAIL, PROCESS, PRIVILEGE, &c.

WRIT OF RIGHT

oath of champion in, how altered, *Ad.* I. 77

YARN. See LARCENY.

YEAR. See CALENDAR.

YEAR AND DAY. See APPEAL, ATTAINDER.

YELVERTON'S ACT. See PREFACE.

YEOMANRY. See VOLUNTEERS.

Gabbett, Joseph

A digested abridgement and comparative view of the statute law in England
and Ireland to the year 1811, inclusive

Bd.: 3

Dublin 1818

J.rel. 170-3

urn:nbn:de:bvb:12-bsb10563550-9